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ABSTRACT

This government report reviews U.S. refugee resettlement programs and policies. Part I of the book provides an overview of U.S. refugee admissions programs and discusses refugee admissions policies for two time frames: 1945 to 1965, and 1965 to the present. In Part II an analysis of Federal assistance programs for domestic resettlement of refugees is found. This section describes assistance offered to refugees resettling in the U.S. and the legislation and programs authorizing such assistance. The Refugee Act of 1980 is covered in Part III. Major issues of the act are outlined along with its legislative history. The section concludes with a section-by-section summary of the Act. Appendices contain the complete text of the 1980 Refugee Act, a conference report and analysis of the Act, and a report on refugee resettlement in the U.S. by the TransCentury Foundation. The TransCentury report presents information regarding the Cuban, Hungarian, Indochinese, Chilean, Kurdish, and Soviet resettlement efforts, resettlement organizations, the needs of refugees, and resettlement models of other Western nations. Recommendations are offered and suggestions are made for refocusing efforts in some areas. (APM)

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96th Congress }
2d Session }

COMMITTEE PRINT

REVIEW OF U.S. REFUGEE RESETTLEMENT PROGRAMS AND POLICIES

A REPORT

PREPARED AT THE REQUEST OF

Senator EDWARD M. KENNEDY, *Chairman*

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

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FOREWORD

America has been a haven for the world's homeless since the first colonists reached these shores four centuries ago. Since then, the American people have a record of accomplishment in offering a helping hand to refugees that is unsurpassed by any other nation.

We can be proud of this record. Over many years we have responded generously and compassionately to the needs of the homeless, and our national policy of welcome has served our country and our traditions well.

But for too long our policy toward refugee assistance and resettlement lacked effective programing and planning. We admitted refugees in fits and starts because our immigration law was inadequate and out of date. Once refugees arrived, our resettlement programs and policies were inconsistent and out of touch with today's needs.

To bring some long overdue reform to our country's refugee policies and programs, Congress has enacted "The Refugee Act of 1980." As stated in the first title of the act, the objectives of the act were "to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted."

The new law accomplishes six basic objectives:

1. It repeals the previous law's discriminatory treatment of refugees by providing a new definition of a refugee—moving us away from only accepting refugees "from communism" or certain areas of the Middle East—to all who meet the test of the U.N. Convention and Protocol on the Status of Refugees.

2. It raises the annual limitation on regular refugee admissions from 17,400 to 50,000 each fiscal year.

3. It provides for an orderly but flexible procedure to deal with emergency refugee situations if the resettlement needs of refugees of "special humanitarian concern" to the United States cannot be met within the regular ceiling established prior to the beginning of the fiscal year.

4. It replaces the former use of the "parole authority" contained in section 212(d)(5) of the Immigration and Nationality Act—which has been governed only by custom and practice—with new statutory language asserting congressional control (i.e., formal "consultations") over the entire process of admitting refugees.

5. It establishes an explicit asylum provision in our immigration law for the first time.

6. It provides for a full range of Federal programs to assist in the resettlement process, and statutorily creates the Office of Refugee Resettlement to monitor, coordinate, and implement refugee resettlement programs.

Together, these provisions will enable the United States to meet any refugee situation, anywhere, and to deal with it more effectively and efficiently. The new law ends years of ad hoc programs and differing policies toward different refugees, and puts our refugee programs on a firmer footing.

To give some perspective to this new law, I asked the Library of Congress to update an earlier study on U.S. refugee resettlement programs, and to review for the committee the evolution of U.S. refugee law and policy. A revised edition of that study has now been submitted to the committee by the Congressional Research Service and is printed in this volume, along with other background material on refugee programs and policies.

The committee hopes this report will contribute to a better public understanding of U.S. refugee programs.

EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary.

LETTER OF SUBMITTAL

Congressional Research Service,
The Library of Congress,
August 8, 1980.

Senator Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: I am pleased to submit a report on U.S. refugee resettlement law and policy which was prepared at your request by the Congressional Research Service.

The report was written by Charlotte J. Moore, analyst in social legislation, of our Education and Public Welfare Division. It is a revised and updated version of a 1979 CRS paper of the same title by Catherine McHugh. Since that time, major legislation, the Refugee Act of 1980, was enacted by Congress. Ms. Moore's update focuses on the development of the Refugee Act in the context of past U.S. refugee admission and resettlement programs and policies.

We hope that this report will serve the needs of the Committee on the Judiciary, as well as the needs of other committees and Members of Congress concerned with U.S. refugee policy.

Sincerely,

Gilbert Gude,
Director.

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INTRODUCTION

The Refugee Act,[1] enacted March 17, 1980, is the first comprehensive Federal statute affecting the admission and resettlement of refugees. The legislation amends the Immigration and Nationality Act to set forth new procedures for the regular and emergency admission of refugees into the United States, and provides a uniform authorization for Federal resettlement assistance. The major impetus for the legislation was the need to end an ad hoc approach that had characterized U.S. refugee policy since World War II.

Refugees, as distinct from immigrants, are aliens who flee their country of nationality generally because of persecution or fear of persecution. Immigrants, in contrast, leave their country of nationality voluntarily to seek family reunification, economic, or other benefits through reestablishing permanent residence in some other country of their choice.

From the beginning of our Nation's history, the United States has been a haven for oppressed peoples. Until the 20th century, there were few restrictions on immigration, and this country was equally open to those seeking freedom and those seeking their fortune. However, significant limitations on immigration were enacted by Congress which changed this. For example, the Immigration Act of 1917[2] set forth qualitative grounds for exclusion of aliens; the Immigration Act of 1924[3] established numerical quotas, primarily based on national origin, limiting immigration. With a few exceptions, refugees were indistinct from immigrants under these immigration laws.

Millions of people were uprooted during or following World War II, which required extraordinary measures to reduce the human suffering and disruption it brought about. During the postwar years, the United States adopted a series of special refugee admissions programs outside the regular immigration law under which thousands of refugees and other persons displaced by the war become permanently resettled here.

The United States continued a largely ad hoc approach to refugee admissions into the 1970's. Although some refugees entered the United States under normal immigration procedures, the bulk of refugee admissions were authorized outside the normal immigration channels by special programs. This was true for the Hungarians in the 1950's, the Cubans in the 1960's, and the Indochinese in the 1970's. The immigration law was not sufficiently flexible to bring in large groups of refugees in emergency situations. Instead, the Attorney General's discretionary authority to parole aliens into the country temporarily became the initial vehicle for admission, and special legislation was then generally required to adjust their status to permanent resident.

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[1] Public Law 96-212, Act of Mar. 17, 1980, 94 Stat. 102.
[2] Act of Feb. 5, 1917, 39 Stat. 874.
[3] Act of May 26, 1924, 43 Stat. 153.

Voluntary agencies and organizations were primarily responsible for refugee resettlement for a number of years. As the admission of large groups of refugees became more frequent, the Federal Government became increasingly responsible for providing assistance and services to aid in refugee resettlement and assimilation into our society. The special assistance programs that were enacted by the Federal Government for refugees were, like the admissions programs, designed to meet immediate needs rather than to establish a fundamental policy.

The Refugee Act of 1980 was drafted by Congress in cooperation with the Carter administration to establish by statute a permanent U.S. refugee policy. To a great extent the act reflects the experiences of the United States in recent years in coping with massive refugee migrations. It also affirms that this Nation has a fundamental commitment to providing sanctuary to refugees as part of its immigration policy.

PART I. OVERVIEW OF U.S. REFUGEE ADMISSIONS PROGRAMS

The United States has traditionally been regarded as a place of asylum for persons fleeing religious or political persecution. It was not until World War II, however, that immigration programs were established which specifically provided for the admission of refugees. Prior to that time, refugees were subject to the same restrictions that were imposed on immigrants generally, except that persons fleeing religious or political persecution were exempted from the literacy test requirement of the law. Otherwise, admissions were limited by national origin quotas; by mental, moral and physical requirements; and by the prohibition against aliens' becoming public charges.

Immigration to the United States was relatively unrestricted until the 1880's when the first Chinese exclusion and contract labor laws were enacted. Immigration was restricted by quotas based on national origin which were established temporarily in 1921 and permanently in 1924. Although immigration law was subsequently amended, national origin quotas remained a fundamental component of the law until the enactment of the Immigration and Nationality Act Amendments of 1965.

The 1965 amendments to the Immigration and Nationality Act represented a fundamental revision of U.S. immigration policy, rejecting nationality and ethnic background as determinants of admission and substituting a system of priorities based primarily on reunification of families and on the alien's skills.[4] Built into this preference system was a permanent statutory basis for the admission of refugees, the so-called conditional entry provision of the Immigration and Nationality Act.[5]

Between World War II and 1965 there had been a series of specific programs under which refugees were admitted outside the regular immigration law. Under the 1965 amendments, with the new preference category for the conditional entry of refugees, it was the intent of Congress that such specific admissions programs would cease.

Since 1965 however, the vast majority of refugees admitted to the United States continued to do so outside the regular procedure prescribed by the Immigration and Nationality Act. There was considerable disparity in the treatment of refugees who entered the United States at different periods of time, who had come from different parts of the world, or who were fleeing from different kinds of political regimes under the irregular procedure that has governed their admission. This uneven means of admitting refugees was the major factor leading to the development of the admissions provisions of the Refugee Act.

The following section summarizes U.S. refugee admissions activities since World War II. Particular attention is devoted to the legislation and admissions procedures since 1965 which formed the backdrop for the evolution of the Refugee Act.

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[4] U.S. Congress. Senate. Committee on the Judiciary. U.S. Immigration Law and Policy: 1952–1979. Committee Print, 96th Cong., 1st sess. Washington, U.S. Government Printing Office, 1979, p. 51.

[5] 8 U.S.C. 1153(a)(7).

As an overview, table I indicates that 1,324,699 refugees were admitted to the United States for permanent residence between fiscal years 1946 and 1978 under special refugee legislation and under the conditional entry provision. Refugees whose status was not adjusted to that of permanent resident alien as of September 30, 1978, and those who were admitted under other provisions of immigration law are not included in the table. If these latter numbers are taken into account, the total number of refugees accepted by the United States for permanent resettlement since 1945 is about 2 million.

TABLE 1.—REFUGEES ADMITTED BY COUNTRY OR REGION OF BIRTH YEARS ENDED JUNE 30, 1946–76, JULY-SEPTEMBER 1976, AND YEARS ENDED SEPT. 30, 1977–78

Country or region of birth	Number admitted	President's directive of Dec. 22, 1945	Displaced Persons Act of 1948			Refugee Relief Act of 1953 [1]	Act of July 29, 1953 (orphans)	Act of Sept. 11, 1957 (secs. 4 and 15)	Act of July 25, 1958 (Hungarian parolees)	Act of Sept. 2, 1958 (Azores and Netherlands refugees)	Act of Sept. 22, 1959 (sec. 6) (refugee relatives)	Act of July 14, 1960 (refugee-escapees)	Act of Oct. 3, 1965 (conditional entries by refugees) [2]	Act of Nov. 2, 1966 (Cuban refugees)	Act of Oct. 30, 1977, (Indochinese refugees) [3]
			Displaced persons admitted	Displaced persons adjusting under sec. 4	German ethnics										
All countries	1, 324, 639	40, 324	352, 200	3, 670	53, 766	189, 021	466	29, 462	30, 751	22, 213	1, 820	19, 783	116, 397	370, 620	94, 146
Europe	778, 688	39, 802	349, 751	1, 794	53, 689	171, 689	140	16, 833	30, 712	9, 896	1, 376	15, 893	79, 499	7, 551	63
Austria	16, 684	2, 015	6, 425	2	2, 529	4, 658	75	532	102	2	-	74	259	10	1
Belgium	1, 694	147	947	1	3	451	-	8	8	3	-	94	28	4	-
Bulgaria	4, 124	22	567	10	12	478	-	197	5	-	-	515	2, 315	3	-
Czechoslovakia	27, 580	3, 385	9, 522	277	2, 839	2, 916	-	53	180	-	-	82	8, 321	3	1
Denmark	115	11	55	-	7	29	-	8	1	-	-	1	1	2	-
Estonia	11, 262	145	9, 943	221	263	657	-	18	-	-	-	12	2	1	-
Finland	163	12	93	1	1	18	-	36	-	1	-	-	1	-	-
France	2, 404	157	791	-	8	660	1	198	10	5	5	212	279	41	37
Germany	100, 295	16, 071	52, 049	5	10, 069	20, 922	54	598	29	5	-	256	204	29	4
Greece	29, 602	7	10, 272	3	2	16, 922	4	1, 504	12	7	397	80	367	25	-
Hungary	69, 684	885	12, 826	297	3, 504	9, 659	-	5, 172	29, 905	5	1	1, 605	5, 811	13	1
Ireland	65	7	31	2	-	18	-	1	-	-	-	2	-	1	3
Italy	62, 827	154	2, 237	12	19	57, 026	4	1, 686	2	2	953	168	476	88	-
Latvia	38, 263	538	35, 150	211	645	1, 567	-	85	-	-	3	47	9	-	-
Lithuania	27, 352	790	23, 202	18	1, 478	1, 681	-	94	-	1	-	21	28	38	1
Netherlands	17, 608	116	53	2	9	11, 337	-	1, 031	-	5, 033	-	2	8	17	-
Norway	77	5	25	-	5	20	-	3	-	1	-	3	5	10	-
Poland	167, 077	11, 660	128, 559	341	6, 392	11, 912	-	1, 139	14	2	2	776	5, 806	464	-
Portugal	5, 040	8	14	1	7	34	-	125	-	4, 811	4	1	13	21	1
Romania	28, 421	535	5, 129	136	5, 353	4, 369	-	482	274	3	9	4, 438	7, 647	46	-
Spain	9, 420	-	31	1	5	123	-	173	-	3	-	21	2, 602	6, 460	1
Sweden	450	10	347	-	-	79	-	3	-	4	-	-	2	3	2
Switzerland	331	66	131	1	3	38	-	59	1	3	-	6	9	8	6
U.S.S.R.	64, 266	1, 982	31, 373	51	4, 323	5, 827	-	186	9	-	-	251	20, 159	105	-
United Kingdom	2, 834	183	1, 819	4	7	679	-	25	2	3	-	21	75	11	5
Yugoslavia	84, 110	736	17, 238	193	15, 936	17, 425	-	3, 002	154	-	1	6, 443	22, 973	9	-
Other Europe	6, 940	154	904	4	270	2, 184	2	415	4	2	1	762	2, 099	139	-

See footnotes at end of table.

TABLE 1.—REFUGEES ADMITTED BY COUNTRY OR REGION OF BIRTH YEARS ENDED JUNE 30, 1946–76, JULY–SEPTEMBER 1976, AND YEARS ENDED SEPT. 30, 1977–78—Continued

Country or region of birth	Number admitted	President's directive of Dec. 22, 1945	Displaced Persons Act of 1948: Displaced persons admitted	Displaced Persons Act of 1948: Displaced persons adjusting under sec. 4	Displaced Persons Act of 1948: German ethnics	Refugee Relief Act of 1953 [1]	Act of July 29, 1953 (orphans)	Act of Sept. 11, 1957 (secs. 4 and 15)	Act of July 25, 1958 (Hungarian parolees)	Act of Sept. 2, 1958 (Azores and Netherlands refugees)	Act of Sept. 22, 1959 (sec. 6) (refugee relatives)	Act of July 14, 1960 (refugee-escapees)	Act of Oct. 3, 1965 (conditional entries by refugees) [2]	Act of Nov. 2, 1966 (Cuban refugees)	Act of Oct. 30, 1977 (Indochinese refugees) [3]
Asia	172,586	416	2,157	1,848	11	16,333	324	10,869	4	12,262	431	795	32,078	1,041	94,017
China and Taiwan	28,692	284	909	1,729	2	6,903	3	2,820	----------	14	115	23	15,047	620	223
India	140	4	7	1	1	46	2	21	----------	7	----------	3	36	9	3
Indonesia	15,995	----------	2	----------	4	3,148	----------	612	----------	12,133	1	----------	92	1	2
Israel	870	----------	16	8	----------	521	----------	210	1	----------	2	2	96	14	----------
Japan	4,384	3	9	2	2	2,268	287	1,505	----------	3	269	1	13	11	11
Korea	4,482	----------	----------	----------	----------	630	4	3,793	----------	1	----------	2	9	6	37
Palestine	1,098	40	77	46	----------	607	----------	170	----------	----------	3	38	106	10	1
Philippines	472	3	19	3	----------	121	15	187	----------	4	2	----------	7	26	85
Other Asia	116,453	82	1,118	59	2	2,089	18	1,551	3	100	39	726	16,672	344	93,655
North America	363,081	50	228	3	57	486	----------	191	35	22	11	2	836	361,128	32
Canada	134	3	17	----------	6	15	----------	7	1	----------	4	----------	1	72	6
Mexico	317	----------	3	1	----------	5	----------	1	----------	----------	----------	----------	2	315	10
West Indies	361,399	5	1	1	1	50	----------	164	----------	18	4	1	825	360,318	11
Cuba	360,772	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	818	359,953	1
Other West Indies	627	5	1	1	1	50	----------	164	----------	18	4	1	7	365	10
Central America	327	4	3	----------	1	7	----------	3	----------	----------	1	----------	3	302	3
Other North America	884	38	204	1	47	409	----------	16	34	4	2	1	5	121	2
South America	998	24	15	----------	4	43	----------	22	----------	9	2	1	14	855	9
Africa	9,126	15	78	25	4	405	1	1,492	----------	1	----------	3,091	3,960	40	14
Other countries	220	17	31	----------	1	65	1	55	----------	23	----------	1	10	5	11

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[1] Includes 6,130 Hungarian refugees.

[2] Includes 102,217 aliens who conditionally entered the United States and 14,180 refugees whose status was adjusted to permanent residents after 2 yr continuous physical presence in the United States. The 102,217 conditional entrants include those who have been accorded lawful permanent resident status.

[3] Includes 3,566 for Cambodia, 4,205 for Laos and 85,651 for Vietnam.

Source: U.S. Department of Justice, Immigration and Naturalization Service.

I. Legislative and Administrative Actions Affecting Refugee Admissions: 1945–65

A. Presidential Directive of December 22, 1945

In 1945, President Truman announced new administrative procedures would be instituted to facilitate the immigration of displaced persons under existing immigration quotas, with emphasis on reestablishing European consular operations disrupted by World War II. This program was carried out through June 10, 1948, when the Displaced Persons Act went into effect.

B. Displaced Persons Act of 1948

In his state of the Union message to Congress in January 1947, President Truman referred to the inadequacy of the attempt to admit displaced persons within the existing immigration quotas. He proposed emergency legislation which was eventually enacted in the Displaced Persons Act of 1948, the first significant refugee legislation in U.S. history.

The Displaced Persons Act of 1948 as amended[6] provided for the admission of over 400,000 displaced persons through December 31, 1951. This was accomplished by charging the admissions of displaced persons to the national immigration quotas of their country of origin and, if oversubscribed, the admission was charged to the future annual quotas of the country in question, or "mortgaged."

The Displaced Persons Act originally provided for the admission of 100,000 persons uprooted during or following World War II, 3,000 orphans, and 2,000 Czechs who fled the 1948 Communist coup, through June 30, 1950; and provided for the adjustment to permanent resident status of 15,000 displaced persons already in the United States. In 1950, the categories of eligible aliens were expanded, possible admissions under the Displaced Persons Act were increased to 415,000, and the act was extended through June 30, 1951, except for certain provisions concerning orphans and persons of German ethnic origin which were effective through June 30, 1952. In 1951, the Displaced Persons Act was extended again, through December 31, 1951

In order to be admitted under the Displaced Persons Act, an alien had to provide assurances that he would be able to obtain employment and housing without displacing an American, and that he would not become a public charge. Regular immigration requirements were imposed, as well as other eligibility requirements designed to keep out politically undesirable aliens, such as Communists. The assurances needed by aliens seeking admission to the United States were generally provided by private nonprofit voluntary agencies. The admission of refugees under the sponsorship of voluntary agencies has remained one of the principal features of U.S. refugee programs.

C. Immigration and Nationality Act of 1952

One of the primary purposes of the Immigration and Nationality Act of 1952[7] was to consolidate previous immigration laws into one statute. Although the Immigration and Nationality Act has been amended substantially since 1952, it remains the basic law governing immigration to the United States.

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[6] Act of June 25, 1948, 62 Stat. 1009; as amended by act of June 16, 1950, 64 Stat. 219; and act June 28, 1951, 65 Stat. 96.

[7] Act of June 27, 1952, 66 Stat. 163.

As originally enacted, the Immigration and Nationality Act did not specifically provide for the admission of refugees. Three of its provisions which remain in effect today and relate to the admission of refugees are discussed below.

1. Defector provision.—Section 212(a)(28)(I)(ii) of the Immigration and Nationality Act permits the immigration of former Communist Party members or other persons affiliated with proscribed organizations if they can demonstrate that their membership was involuntary and was terminated at least 5 years prior to application for a visa. Without this provision, certain persons fleeing communism would be unable to enter the United States.

2. Parole provision.—The parole provision of the Immigration and Nationality Act, section 212(d)(5), incorporated into statutory law a provision authorizing the temporary parole of aliens into the United States, which had been an administrative practice of long standing. This provision authorizes the Attorney General in his discretion to parole any alien into the United States temporarily, under such conditions as the Attorney General may prescribe, in emergencies or for reasons deemed strictly in the public interest. Parole is not regarded as admission to the United States. When the purposes of parole have been served, the alien returns to the status from which he was paroled and is dealt with in the same manner as any other applicant for admission to the United States. Congress originally intended that parole would be used on a case-by-case basis on behalf of individual aliens. Parole has since been used as the primary basis for entry of large numbers of refugees. Section 212(d)(5) was amended by the Refugee Act to limit its use for the admission of refugees.

3. Withholding deportation because of anticipated persecution.—The Internal Security Act of 1950[8] authorized withholding the deportation of an alien to any country where the Attorney General finds the alien would be subject to physical persecution. This provision was incorporated into the Immigration and Nationality Act as section 243(h).

Section 243(h) was subsequently amended,[9] most recently by the Refugee Act of 1980, expanding the grounds for relief from deportation.

D. Act of July 29, 1953

The act of July 29, 1953,[10] permitted the entry of 500 orphans adopted, or coming to be adopted, by certain U.S. citizens.

E. The Refugee Relief Act of 1953

At the height of the Cold War and after the expiration of the Displaced Persons Act, Congress enacted the Refugee Relief Act of 1953 primarily to expedite the admission into the United States of refugees escaping Iron Curtain countries.

The act, as amended,[11] authorized the admission of 214,000 refugees and was inforce between August 7, 1953 and December 31, 1956. In contrast to the Displaced Persons Act, the admissions were authorized outside the existing immigration quotas. Visas were made available by categories of refugees, for example, 4,000 to war orphans; 55,000 to German expellees; 15,000 to Italian refugees; 15,000 to Greek and Dutch refugees, et cetera. As a departure from the immigration policy that had existed practically excluding Asians, there was provision for the admission of refugees from the Far East. The Refugee Relief Act also permitted the adjustment of status of up to 5,000 aliens already in the United States.

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[8] Act of Sept. 23, 1950, 64 Stat. 987.

[9] Section 243(h) was amended by the 1965 amendments to the Immigration and Nationality Act (Act of Oct. 3, 1965, 79 Stat. 913) in part to conform with the language of the conditional entry provision adopted at that time.

[10] 67 Stat. 229.

[11] Act of Aug. 7, 1953, 67 Stat. 400; as amended by the act of Aug. 31, 1954, 68 Stat. 1044.

The Refugee Relief Act incorporated safeguards to prevent the immigration of undesirable aliens. In addition, aliens were required to have assurances of employment and housing.

Some 6,500 unused Refugee Relief Act visas were made available at the direction of President Eisenhower for Hungarian refugees before the Refugee Relief Act program expired. A total of 189,000 persons were admitted or adjusted their status under the act.

A related measure, the act of September 22, 1959,[12] was designed in part to facilitate family reunification by enabling the spouses and children of certain aliens admitted under the Refugee Relief Act to be issued visas outside existing immigration quotas.

F. Hungarian refugee program

In late 1956, President Eisenhower announced that the United States would accept 21,500 refugees who had fled Hungary following the revolution of October 1956. About 6,500 refugees were to be admitted using visas available under the Refugee Relief Act, and the President directed the Attorney General to permit the entry of 15,000 Hungarian refugees under the parole provision of the Immigration and Nationality Act. This was the first use of the parole provision on behalf of a group of refugees. By 1958, 38,000 Hungarian refugees had entered the United States, 32,000 of them under the parole provision. At that time, an alien paroled into the United States was not eligible to adjust his status to that of a permanent resident.

The act of July 25, 1958,[13] provided for the adjustment of status of Hungarian refugees who had been in the United States for at least 2 years. These refugees were exempted from the documentary requirements for immigration; and the date of admission for permanent residence was recorded as of the date of the alien's arrival in the United States.

G. Refugee-Escapee Act

The act of September 11, 1957,[14] is sometimes referred to as the Refugee-Escapee Act.

Section 15 of this act authorized 18,656 special nonquota immigrant visas that had been made available under the Refugee Relief Act but remained unused at the expiration of that act, to be made available to "refugee-escapees" defined as victims of racial, religious, or political persecution fleeing Communist or Communist-occupied or dominated countries or a country in the area of the Middle East. This was the origin of the eligibility standard for conditional entrants adopted in the 1965 amendments to the Immigration and Nationality Act.

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[12] 73 Stat. 644.
[13] 72 Stat. 419.
[14] 71 Stat. 639.

Section 4 of the Refugee-Escapee Act provided for the admission outside immigration quotas through June 30, 1959, of certain orphans adopted, or to be adopted by U.S. citizens. The legislation also removed the mortgages on immigration quotas imposed as a result of the Displaced Persons Act.

H. Act of September 2, 1958

The act of September 2, 1958,[15] made visas available outside existing immigration quotas for nationals of the Netherlands displaced from Indonesia because of political events, and Portuguese nationals who were unable to return to their homes in the Azores because of earthquakes and volcanic eruptions, and the spouses and children of such aliens. The termination of this program was extended from June 30, 1960, to June 30, 1962, by the Refugee Fair Share Law, which also increased the number of admissible refugees.

I. Refugee Fair Share Law

By 1960 a large number of refugees and displaced persons from World War II remained in camps in Europe under the mandate of the United Nations High Commissioner for Refugees. The so-called Refugee Fair Share Law, enacted July 14, 1960, was passed to provide a temporary program for the admission into the United States of a portion of the refugees in the camps.

The Fair Share Law gave the Attorney General a specific mandate to use his parole authority under section 212(d)(5) of the Immigration and Nationality Act to admit eligible "refugee-escapees" (the same definition as used in the Refugee-Escapee Act described above) until July 1, 1962, in a number not to exceed 25 percent of the total number of refugee-escapees under the mandate of the U.N. High Commissioner who had been resettled in other countries since July 1, 1959. It is noteworthy that this was congressional sanctioning of the use of the parole authority to admit groups of aliens.

Under this program, the Attorney General was authorized to parole up to 500 "difficult to resettle" refugees, with the assurance of a voluntary agency that any such refugee could become self-supporting, or would be supported by his family.

An alien paroled into the United States under this legislation could adjust his status to that of an alien admitted for permanent residence after 2 years in the United States. Refugees adjusting their status under this legislation were exempted from the documentary requirements of immigration law. This Fair Share Law provision was the forerunner of the conditional entry procedure.

The Immigration and Nationality Act's permanent adjustment of status provision under section 245(c)[16] was amended by this enactment to extend eligibility for adjustment of status to aliens paroled into the United States.

The Refugee Fair Share Law was more comprehensive than previous refugee admission programs; it was not designed to assist refugee of a particular nationality or to meet a particular emergency, but to provide an ongoing mechanism for the admission of refugees, although for a statutorily limited period of time. In 1962 the Refugee

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[15] 72 Stat. 1712.
[16] 8 U.S.C. 1255(c).

Fair Share Law was extended indefinitely by a provision of the Migration and Refugee Assistance Act.[17]

The Immigration and Nationality Act Amendments of 1965 established a permanent statutory provision for the admission of refugees, and terminated the refugee parole program authorized by the Refugee Fair Share Law.

II. REFUGEE ADMISSIONS LEGISLATION AND PROCEDURE AFTER 1965

A. *Conditional entry*

The 1965 amendments to the Immigration and Nationality Act included a permanent statutory authority for the admission of refugees, the so-called conditional entry provision.[18] This authority remained in force until its repeal by the Refugee Act.

The conditional entry provision, section 203(a)(7) of the Immigration and Nationality Act, was established as part of the new immigrant visa preference system for the Eastern Hemisphere created by the 1965 amendments to the act. A numerical ceiling of 170,000 persons per year was imposed on immigration from the Eastern Hemisphere, with a 20,000 per country limit. Seven immigrant visa preference categories were established, each allocated a portion of the annual ceiling. The seventh preference category was for the conditional entry of refugees and was allocated 6 percent of the ceiling, one-half of which could be used for aliens in the United States 2 years who were adjusting their status. In 1976 the preference system was amended and extended to the Western Hemisphere, under a separate numerical ceiling on Western Hempshire immigration. In 1978 the Eastern Hemisphere and Western Hemisphere numerical ceilings were combined into a single worldwide ceiling on immigration, making 17,400 conditional entry numbers available to refugees each year.

In order to be eligible for entry under section 203(a)(7) aliens had to be examined by an Immigration and Naturalization Service (INS) officer in a non-Communist country, and meet the criteria of the section which were the same as the definition of refugee-escapee in the 1957 Refugee-Escapee Act (see page CRS-12). These criteria were as follows:

> that (i) because of persecution or fear of persecution on account of race, religion, or political opinion they have fled (I) from any Communist or Communist-dominated country or area, or (II) from any country within the general area of the Middle East, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made; or (B) that they are persons uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode.

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[17] Act of June 28, 1962, 76 Stat. 121.

[18] Act of Oct. 3, 1965, 79 Stat. 913; as amended by the act of Oct. 20, 1976, 90 Stat. 2705; and the act of Oct. 5, 1978, 92 Stat. 907.

As of 1979, the Immigration and Naturalization Service conducted conditional entry examinations in Frankfurt, Hong Kong, Rome, Vienna and Athens. Conditional entry was never used to admit victims of natural disasters.

Conditional entry, as the name implies, was not admission for permanent residence. A permanent provision for the adjustment of status of conditional entrants to that of permanent resident alien was included as sections 203 (g) and (h) of the Immigration and Nationality Act. The language of these adjustment of status sections was similar to that contained in the Refugee Fair Share Law. To obtain permanent resident status, the alien had to be admissible as an immigrant, except for documentary requirements, and he must have been in the United States for 2 years. Adjustment of status was effective retroactively to the date of the alien's arrival in the United States.

Table II indicates the number of conditional entries of refugees since 1965. The Refugee Act repealed the conditional entry provision.

TABLE II.—*Conditional entries of refugees under sec. 203(a)(7)*

1965–66	3, 191
1967–68	13, 267
1969–70	30, 339
1971–72	20, 894
1973–74	10, 099
1975–76	17, 778
1977–78	20, 720
Total	126, 288
Average per year	9, 020

SOURCE.—U.S. Congress. Senate. Committee on the Judiciary. The Refugee Act of 1979. Report to accompany S. 643, Senate Report No. 96–256, 96th Cong., 1st sess. Washington, U.S. Government Printing Office, 1979, p. 6.

B. Parole

The parole provision, section 212(d)(5) of the Immigration and Nationality Act of 1952 authorizes the Attorney General in his discretion to parole any alien into the United States temporarily, under such conditions as the Attorney General may prescribe, in emergencies or for reasons deemed strictly in the public interest.[19] The flexibility of the parole provision has enabled the United States to respond to a variety of refugee situations by accepting groups of refugees for resettlement outside normal immigration channels.

When the conditional entry provision was established in 1965, Congress intended that thereafter the parole provision would be administered solely on a case-by-case basis. As stated in the report of the Senate Committee on the Judiciary on the Immigration and Nationality Act Amendments of 1965:

> Inasmuch as definite provision has now been made for refugees, it is the express intent of the committee that the parole provisions of the Immigration and Nationality Act, which remain unchanged by this bill, be administered in accordance with the original intention of the drafters of that legislation. The parole provisions were designed to authorize the Attorney General to act only in emergency, individual, and isolated situations, such as the case of an alien who requires immedi-

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[19] Act of Jun. 27, 1952, 66 Stat. 188.

ate medical attention, and not for the immigration of classes or groups outside of the limit of the law.[20]

Because of the limitations of the conditional entry provision, however, parole continued to be used as the major authority for the entrance of groups of refugees into the United States.

Cuban refugees, for example, began to be paroled into the United States in 1961 when diplomatic relations between the United States and Cuba were severed. As Western Hemisphere natives, Cubans were not eligible for conditional entry when that provision became law, since it applied only to the Eastern Hemisphere. After the Cuban airlift program was announced by President Johnson in 1965, the number of these refugees admitted under the parole authority increased dramatically. Between 1962 and the end of May 1979, over 690,000 Cubans entered the United States under the Attorney General's parole authority, the largest number of refugees from a single nationality ever accepted into the United States.

The vast majority of over 360,000 Indochinese refugees who entered the United States between 1975 and mid-1980 did so under a series of parole authorizations. In the spring of 1975, at the time of the U.S. withdrawal from Vietnam, about 130,000 refugees were evacuated from Indochina. Most of these refugees were resettled in the United States, entering the country under the parole provision. Subsequent to the Communist takeovers in Vietnam, Cambodia, and Laos, Indochinese refugees were also eligible to enter the United States under the conditional entry provision, but the number of conditions entries available did not approach the number of refugees the United States chose to accept. Indochinese refugee parole programs were authorized or extended by the Attorney General 10 times: three times in 1975, once in 1976, once in 1977, three times in 1978, twice in 1979.

The original parole criteria in 1975 were fairly specific, designed to expedite the admission of certain Vietnamese relatives of U.S. citizens and permanent resident aliens. As the evacuation continued, the parole criteria were expanded, almost on a daily basis, to respond to the emergency situation. In addition to various categories of Vietnamese, the parole of certain Cambodians evacuated by the United States was authorized at this time.

In August 1975 two parole programs were authorized, one for additional Vietnamese and Cambodian refugees, and another to assist allies of the United States from Laos. A major parole program was authorized, one for additional Vietnamese and Cambodian refugees, and another to assist allies of the United States from Laos. A major parole program was authorized in May 1976 to accommodate 11,000 refugees who had escaped from Vietnam, Cambodia, and Laos, primarily persons with relatives in the United States, and persons who had been associated with the United States or governments friendly to the United States. Refugees had begun to escape from Vietnam by boat, and these so-called boat people were encountering considerable difficulty in finding safe-havens. Some boat people were included in the 1976 parole program, but a continuing exodus of substantial numbers of refugees from Indochina was not generally anticipated at this time.

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[20] U.S. Congress. Senate. Committee on the Judiciary. Amending the Immigration and Nationality Act, and for other purposes. Report to accompany H.R. 2580, Senate Report No. 748, 89th Cong., 1st sess. Washington, U.S. Government Printing Office, 1965. p. 17.

Some Members of Congress and the Ford administration concluded that relying on the parole provision was not a desirable means of formulating U.S. refugee policy. Accordingly, the Ford administration agreed not to authorize additional parole programs until legislation establishing new, systematic refugee admission procedures was enacted.

In 1977 conditional entry numbers were beginning to be used for boat people, but the magnitude of this problem was greater than the conditional entry provision could accommodate. In part because of the increasing numbers of refugees, a 1977 parole program was established for 15,000 refugees, including boat cases and refugees who had escaped by land to Thailand. Although the Carter administration agreed with the need for new refugee legislation, it did not feel that it was obligated to conform to the Ford administration's agreement not to use the parole authority until such legislation was enacted.

Three Indochinese refugee parole programs were authorized in 1978, for 7,000 refugees in January, 25,000 refugees in June, and 21,875 refugees in December. The parole provision was also being used extensively on behalf of refugees from other parts of the world. The December Indochinese refugee parole program was designed in part in response to two congressional enactments calling for the parole of additional refugees from Cambodia.[21]

In April 1979 the Attorney General authorized the parole of 40,000 Indochinese refugees through September 30, 1979. In reaction to the refugee crisis caused by tens of thousands of boat people fleeing Vietnam, President Carter announced, in late June 1979, that the rate under which we were admitting Indochinese under the parole authority would double to 14,000 per month. This rate continued under another parole authorization that was required pending the enactment of the Refugee Act.

After 1972 parole was also used to an increasing extent to supplement the conditional entry provision to expedite the entrance of Soviet and other Eastern European refugees. In January 1977 the parole of 4,000 Soviet refugees was authorized by the Attorney General; the parole of 5,000 additional Soviet refugees was authorized in December 1977; and the parole of 12,000 more refugees from the Soviet Union and other East European countries was authorized in June 1978. The parole of 25,000 Soviet and other Eastern European refugees, through September 30, 1979, was authorized in April 1979. Until the enactment of the Refugees Act, the United States continued the parole of Soviet and Eastern European refugees at the rate of 3,000 per month.

Many of the refugees the United States has accepted have not been admissible under the conditional entry provision because of its ideological and geographic limitations. Refugees who are fleeing from non-Communist countries or from countries outside the Middle East are ineligible for conditional entry, and the parole provision has been used to assist them. Table III prepared by the Senate Judiciary Committee, summarizes the use of the Attorney General's parole authority to admit refugees.

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[21] One provision of the fiscal year 1979 Department of Justice Appropriations Act, Public Law 95–431, Act of Oct. 10, 1978, expressed the sense of the Congress that the Attorney General should parole an additional 15,000 Cambodian refugees into the United States over a 2 year period. One provision of the fiscal year 1979 Department of Justice Authorization Act, Public Law 95–624, Act of Nov. 9, 1978, directed the Attorney General to develop parole eligibility criteria to enable a large number of Cambodian refugees to qualify for the then current Indochinese refugee parole program.

TABLE III.—HISTORICAL SUMMARY OF REFUGEE PAROLE ACTION

Year	Country and class of people	Total
1956	Orphans from Eastern European countries	925
1956-57	Refugees from Hungary	38,045
1960-65	Refugee escapees from Eastern European countries	19,754
1962	Chinese refugees from Hong Kong and Macao	14,741
1962 through May 31, 1979	Refugees from Cuba	692,219
1973 through May 31, 1979	Refugees from the Soviet Union	35,758
1975 through May 31, 1979	Indochinese refugees	208,200
1975-77	Chilean detainees	1,310
1975-77	Chilean refugees from Peru	112
1976-77	Latin American refugees (Chileans, Bolivians, and Uruguayans)	343
1978-79	Lebanese refugees	[1] 1,000
1979	Cuban prisoners and families	[1] 15,000
	Total	1,027,407
	Average per year	44,670

[1] Authorized.

Source: U.S. Congress, Senate, Committee on the Judiciary, Senate Report No. 96-256, p. 6.

The Refugee Act limited the use of parole for the admission of refugees.

C. Withholding deportation because of anticipated persecution

Section 243(h) of the Immigration and Nationality Act authorizes the Attorney General to withhold deportation of an alien to any country where the alien would be subject to persecution on account of race, religion, or political opinion.[22] This provision originally authorized relief from deportation because of physical persecution only, but the scope of section 243(h) was expanded in 1965. Section 243(h) is applicable only to aliens who are in the United States and who are deportable under the terms of the Immigration and Nationality Act. Section 243(h) was amended by the Refugee Act.

D. Asylum

In 1968, the United States became a party to the 1967 U.N. Protocol Relating to the Status of Refugees, which incorporates by reference provisions of the 1951 United Nations Convention Relating to the Status of Refugees. The Protocol and Convention do not require a country to accept refugees, but they insure that refugees within the country will have certain legal and political rights and protections.

Two provisions which relate to asylum are articles 32 and 33 of the Convention. Article 32 prohibits the expulsion of a refugee lawfully in a country except for reasons of national security or public safety, and provides that expulsion must be in accordance with due process of law. Article 33 prohibits the expulsion or return of a refugee to any country where his life or freedom would be threatened on account of race, religion, nationality, social group, or political opinion, except for reasons of the host country's national security or public safety.

Before the enactment of the Refugee Act there was no asylum per se in the Immigration and Nationality Act, beyond withholding of deportation under section 243(h), discussed above. When the United States became a party to the Protocol, Congress and the administration believed that the United States could comply with its provisions without having to amend the Immigration and Nationality Act, and no immediate change was made in U.S. immigration policy or procedures. However, a 1970 incident involving the return of a Lithuanian seaman who was attempting to enter the United States was seen by many as a particularly dramatic illustration of the need to establish specific asylum procedures. Soon thereafter, interim instructions regarding the handling of requests for asylum were issued by the Department of State.

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[22] Act of June 27, 1952, 66 Stat. 214; as amended by the Act of Oct. 3, 1965, 79 Stat. 918.

In 1972 the Department of State issued a policy statement regarding the handling of requests for asylum. In 1973 the Immigration and Naturalization Service issued regulations designed in part to meet obligations imposed by other provisions of the Protocol regarding refugee travel documents.

In 1974 the Immigration and Naturalization Service issued asylum regulations as part of 108 of title 8 of the Code of Federal Regulations, under the general authority of section 103 of the Immigration and Nationality Act. The asylum regulations were revised in May 1979. The Refugee Act required new asylum regulations to be developed by June 1, 1980.[23]

E. Special legislation providing permanent resident status to refugees

Of our four refugee procedures, conditional entry, parole, withholding deportation because of anticipated persecution, and asylum, only conditional entry was a component of the normal immigration admission process. As mentioned above, refugees granted conditional entry were able to obtain permanent resident status after 2 years in the United States under the special adjustment of status procedures authorized by sections 203 (g) and (h) of the Immigration and Nationality Act.

Refugees granted parole may be admitted for permanent residence under the general adjustment of status procedures authorized by section 245 of the Immigration and Nationality Act, but they must do so within the numerical limitations and other restrictions imposed on immigration generally. For this reason, special adjustment of status legislation was enacted to enable Hungarian, Cuban, and Indochinese refugees paroled into the United States to be admitted for permanent residence outside normal immigration channels. More recently, legislation was enacted as part of Public Law 95-412 [24] to enable refugees paroled into the United States who were not otherwise eligible for such special refugee adjustment of status benefits to be granted permanent resident status without numerical limitation.

The special legislation providing adjustment of status for the Hungarian refugees has been previously noted (see page CRS-13).

During the mid-1960's, the Immigration and Nationality Act did not permit the adjustment of status of Western Hemisphere natives. The Act of November 2, 1966,[25] enabled Cuban refugees to adjust their status to that of permanent residents. Eligible refugees must have been in the United States for at least 2 years (amended to 1 year by the Refugee Act). Adjustment of status is retroactive to the date of the alien's arrival in the United States or to 30 months prior to the date of enactment, whichever is later. The Immigration and Nationality Act Amendments of 1976 specified, in part, that Cuban refugees who adjust their status will not be charged against the numerical ceiling on Western Hemisphere immigration, thus enacting into law an administrative practice that had been underway since September 1976.

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[23] Interim asylum regulations were published by the cutoff date and were open to comment until July 31, 1980. U.S. Department of Justice. Aliens and Nationality; Refugee and Asylum Procedures. Federal Register, v. 45, No. 107, June 2, 1980, p. 37392.

[24] Act of Oct. 5, 1978, 92 Stat. 907.

[25] 80 Stat. 1161.

To facilitate the adjustment of status of Indochinese refugees, title I of Public Law 95–145 [26] authorized the creation of a record of permanent residence for certain aliens from Vietnam, Cambodia, and Laos who were in the United States at the time of the evacuation from Vietnam or who were paroled into the United States prior to January 1, 1979, at the discretion of the Attorney General. Refugees in the United States at least 2 years (amended to 1 year by the Refugee Act) can obtain permanent residence status retroactive to March 31, 1975 or the date of their arrival in the United States, whichever is later. Adjustment of status under this act is not subject to the Immigration and Nationality Act's numerical limitations, and aliens are exempted from the exclusion provisions relating to labor certification, public charges, documentary requirements, literacy requirements, and foreign medical graduates.

A provision of Public Law 95–412 [27] enabled aliens paroled into the United States prior to September 30, 1980, to adjust their status without numerical limitation, to that of permanent resident after 2 years in the United States. The adjustment of status provision of Public Law 95–412 was of particular importance to refugees from the Soviet Union because of the increased use of the parole provision on behalf of such refugees. The provision's eligibility date was changed to April 1, 1980, by the Refugee Act and the required period for residence was reduced to 1 year.

The procedures for withholding deportation because of anticipated persecution, and asylum, do not provide for admission to the United States. When deportation is withheld or asylum is granted, another provision of the Immigration and Nationality Act must be used to enable the alien to acquire a status which will enable him to remain in the United States. For example, the alien may be granted voluntary departure status, or paroled into the United States, for a specified period of time.

F. Other legislation impacting on refugee admissions

The Immigration and Nationality Act Amendments of 1976, Public Law 94–571,[28] extended the immigrant visa preference system to the Western Hemisphere. This resulted in the authorization of 7,200 conditional entries from the Western Hemisphere per year.

In addition to its adjustment of status provisions discussed above, Public Law 95–412 combined the Eastern and Western Hemisphere immigration ceilings into one worldwide ceiling of 290,000. This resulted in an annual allocation of 17,400 for the conditional entry provision. Because few Western Hemisphere natives had been able to meet the conditional entry provision's ideological or geographic requirements, the Western Hemisphere's numbers had been largely unused. One effect of the imposition of the worldwide ceiling was to make conditional entry numbers that would have otherwise been allocated to the Western Hemisphere only, available to refugees all over the world who meet the eligibility requirements.

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[26] Act of Oct. 28, 1977, 91 Stat. 1223.
[27] Act of Oct. 5, 1978, 92 Stat. 907.
[28] Act of Oct. 20, 1976, 90 Stat. 2703.

Public Law 95-412 also established a Select Commission on Immigration and Refugee Policy to review that policy and make administrative and legislative recommendations. The report of the Commission is due March 1, 1981.

PART II. FEDERAL ASSISTANCE FOR DOMESTIC RESETTLEMENT OF REFUGEES

The Federal Government has provided special financial assistance for resettlement of refugees in the United States since the early 1960's. The programs providing such assistance have been diverse, affecting only some refugee groups; the administration of assistance has been spread over a number of agencies and offices; and a comprehensive, coordinated approach to the provision of aid for refugees resettling in the United States was generally agreed to be lacking. A major purpose of the Refugee Act was to establish uniform authority for assistance to all refugees resettling in the United States.

Former U.S. Coordinator for Refugee Affairs Dick Clark commented on U.S. assistance policy prior to the enactment of the Refugee Act:

> Like our policy on refugee admission, our domestic assistance program also evolved in response to specific humanitarian crises around the world. The growth of domestic programs, through repeated statutory amendment, has resulted in a wide range of separate programs. * * *
>
> This individualized approach to refugee assistance served us reasonably well in the past, when the refugee flow came primarily from a limited number of countries in any given year. But this approach is no longer adequate to deal with the increasing flow of refugees from every continent. We believe it is necessary to have a coherent domestic assistance program that can respond equally well to a wide range of circumstances across the globe, and to all refugees regardless of nationality. This situation cries out for rationality. With a comprehensive refugee policy we can better meet our responsibilities to all refugees in a prompt and consistent manner.[29]

The following section provides a broad historical overview of assistance provided refugees resettling in the United States. The second section offers more specific information on the nature of refugee assistance available at the time the Refugee Act was being considered.

I. ASSISTANCE TO REFUGEES RESETTLING IN THE UNITED STATES: A HISTORICAL OVERVIEW

A. The involvement of the private sector

One of the most striking characteristics of the refugee resettlement process in the United States has been the involvement of private nonprofit voluntary agencies, called "VOLAGS." These agencies which accepted responsibility for the sponsorship and initial resettlement needs of refugees coming to the United States, were the first to provide resettlement assistance and, for a significant period, were unassisted by the Federal Government.

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[29] Prepared statement submitted to the Senate Committee on the Judiciary, Mar. 14, 1979.

Private nonprofit voluntary agencies assumed primary responsibility for providing assistance to refugees admitted to the United States following World War II, with the recognition and cooperation of the Federal Government. These organizations played a particularly important role in facilitating the admissions of orphans and unaccompanied children under early refugee admissions programs.

First, under the Presidential Directive of 1945 (see page CRS–8), the voluntary agencies sponsored refugees who would otherwise have been excluded from the United States under the public charge provision of the Immigration and Nationality Act of 1917. VOLAGS provided assurances of housing, employment and financial support enabling refugees to enter the United States. VOLAGS were also instrumental in the refugee resettlement efforts under the Displaced Persons Act and the Refugee Relief Act and, over the course of these admissions programs, Federal funds were loaned to the agencies to facilitate refugee resettlement. The Refugee Fair Share Law specifically recognized the role of voluntary agency sponsorship in its provisions promoting the immigration of "hard to resettle" persons.

The private sector played a major role in resettling the near 40,000 Hungarian refugees who were accepted by the United States after the 1956 Hungarian Revolution. According to a report by the New TransCentury Foundation:

> It is apparent from all available documents that rapid integration of the Hungarians was due to the mobilization of the private sector in the U.S. The voluntary resettlement agencies and their local affiliates working in cooperation with local charitable and service organizations, led the national effort both at Camp Kilmer and in communities throughout the country.[30]

A small amount of Federal funding was made available to the voluntary agencies to help defray the costs of transporting the refugees within the country and the costs of caring for excludable health conditions. At that point it was made clear that such payments were not to constitute a precedent for paying voluntary agencies for similar costs in the future.[31]

After 1952 the U.S. Government had contracted with voluntary agencies to provide certain assistance to refugees abroad, but otherwise there was no Federal support for their activities.

The old U.S. escapee program (USEP), first authorized by the Mutual Security Act of 1951,[32] provided reception, supplemental material aid and local integration assistance to escapees from the Sino-Soviet block, primarily through contracts with voluntary agencies. The program was subsequently integrated with similar State Department activities into the U.S. refugee program, generally authorized by the Migration and Refugee Assistance Act of 1962.[33]

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[30] Taft, Julia Vadala, David S. North and David A. Ford. Refugee Resettlement in the U.S.: Time for a New Focus. Washington, New TransCentury Foundation, 1979. p. 55.

[31] Ibid.

[32] Act of Oct. 10, 1951, 65 Stat. 373.

[33] Act of June 28, 1962.

The VOLAGS had undertaken domestic refugee reception and placement work primarily by means of their own resources. In the early 1960's with the sudden massive influx of refugees from Castro's Cuba, the VOLAGS were first provided Federal grants and contracts by the Department of Health, Education, and Welfare to assist in the resettlement of the Cuban refugee population in the United States.

When the next massive wave of refugees came to the United States—the Indochinese in 1975—the Department of State contracted with nine voluntary agencies to cover reception and placement expenses for each refugee resettled. Under the original terms of the contract, the State Department agreed to pay $500 for each refugee resettled by the voluntary agencies. The agencies had the responsibility to provide counseling at the reception centers and to place the refugees with sponsors.[34]

Since 1976 the State Department has continued to provide initial resettlement contracts to the VOLAGS for Indochinese, Soviet and other refugee groups. The dollar amoant of the per capita grants has varied from year to year and among refugee groups. The fiscal year 1980 per capital levels are $500 for initial reception and placement of Indochinese and $350 for other refugee groups.

Private nonprofit voluntary agencies active in the refugee and migration field include organizations which were originally established to serve particular religious or nationality groups, as well as organizations which were specifically established to assist refugees and migrants. A voluntary agency may have a network of congregations or cooperating local agencies throughout the United States, and overseas staff, or it may have only a national office. The voluntary agency places each refugee with a local sponsor. The sponsor may be a congregation or other local agency, or the sponsor may be a family or possibly even a single individual. Groups sponsorships generally seem to work best. Some voluntary agencies receive their funds from a particular religious denomination, while other agencies are funded by contributing from the public at large.

Overseas, voluntary agencies often work with the Department of State and Immigration and Naturalization Service officials to identify refugees eligible for resettlement in the United States, and to help the refugees meet immigration requirements. Prior to immigration, the voluntary agencies make arrangements for refugee sponsorships in the United States.

The range of services provided to refugees varies from one agency to another, and from case to case within the same agency. Generallly speaking, orientation to American customs and to the refugee's new community is one of the primary responsibilities of the local sponsor. Services provided to refugees immediately upon their arrival generally include transportation, housing, some degree of financial assistance, and medical and dental care. English language training is of major importance, as he is helping the refugee find employment. Some offers of sponsorship include job offers, but generally the voluntary agency helps the refugee find work through employment counseling, job development, or job training activities. Other services provided through voluntary agencies include education counseling, mental health services, cultural services, bilingual publications, interpreting, immigration counseling and help with family reunification problems. Some voluntary agencies have developed special programs for particular kinds of refugees, such as children who are unaccompanied by an adult, or refugees with particular skills, such as fishermen.

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[34] U.S. General Accounting Office. Domestic Resettlement of Indochinese Refugees—Struggle for Self-Reliance; Report to the Congress by the Comptroller General of the United States. B-133001, May 1977. Washington, 1977. p. 5.

Some services are provided directly by the voluntary agency, while in other cases the voluntary agency helps the refugee take advantage of public programs that provide needed services. For example, a voluntary agency might operate its own English language training program, or it might help refugees enroll in an English class as a second language program offered by the public schools system, or it might utilize a combination of private and public programs.

In other countries which resettle substantial numbers of refugees, government agencies often perform many of the functions that voluntary agencies perform in the United States. For example, a recent General Accounting Office survey of the immigration policies of selected countries indicated that in Australia, refugee benefits include passage costs; funds to local agencies for clothing and other items for Indochinese refugees; social services provided through government grants; unemployment benefits, including special additional benefits for newly arrived Indochinese refugees; low-cost housing and food at government hotels for up to 1 year; free English-language courses and a living allowance for refugees taking intensive English; employment counseling; and job training; as well as medical benefits.[35]

Canada provides refugees with adjustment assistance, which includes money for food, clothing, housing, and such items as furniture; medical care; and assistance in finding a job. Refugees may also be sponsored by organizations or groups that agree to provide the refugees with services and material aid. France provides housing, medical assistance, and educational assistance to refugees whose claims for asylum are being adjudicated. When refugee status is granted, refugees may also receive employment training.

Under the Indochinese refugee program, [illegible] the involvement of various Federal, State, and local public agencies was relatively extensive, at least in terms of expenditures, the work of the voluntary agencies was regarded as crucial to successful refugee resettlement. The voluntary agencies played an even more important role in the resettlement of refugees who were not eligible for the benefits of the major Federal refugee program for Cuban and Indochinese refugees. Assistance from private agencies was particularly important to refugees from the Soviet Union and other countries not covered by the Cuban and Indochinese programs, in part because these refugees were unable to obtain permanent resident status if they were receiving public assistance. In contrast, special adjustment of status legislation had been enacted which exempted Indochinese refugees from the public charge provision of the Immigration and Nationality Act.

B. Federal involvement in assisting refugee resettlement

The refugee resettlement process is complex, and as such, has involved the participation of a number of Federal agencies.

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[35] U.S. General Accounting Office. Information on Immigration in 17 countries; Report to the Congress by the Comptroller General of the United States. B-125051, January 1979. Washington, 1979. 112 p.

A report was recently prepared for Congress on Federal, State, and local refugee assistance, in accord with a requirement of a 1979 law.[36] Table IV, summarizing the anticipated expenditures of Federal agencies, indicates the nature and extent of anticipated Federal funding affecting refugees for fiscal years 1980–81, as well as the variety of Federal agencies involved in the refugee resettlement process.

TABLE IV.—SUMMARY OF FEDERAL FUNDING FOR REFUGEES

[In millions of dollars]

	Fiscal year—	
	1980	1981
International refugee assistance:		
Department of State/Agency for International Development:		
Migration and refugee assistance	$201.1	$253.0
UNRWA	52.0	(1)
Food for Peace	55.0	55.0
Sec. 495 F	14.2	(1)
Secs. 533 and 534 ESF	25.5	(1)
Kampuchean relief	25.0	
U.S. Emergency Refugee and Migration Assistance Fund	40.0	15.0
Department of Defense	4.0	4.0
Peace Corps	.2	.7
Subtotal	417.0	327.7
Initial U.S. resettlement:		
Department of State:		
Migration and refugee assistance	255.1	299.3
Office of the U.S. Coordinator for Refugee Affairs	.5	.5
Immigration and Naturalization Service	2.5	2.5
Security clearances	1.5	1.5
Subtotal	259.6	304.2
Domestic resettlement services:		
Department of Health, Education, and Welfare:		
Refugee assistance	524.0	598.5
AFDC	22.9	41.0
SSI	10.8	17.4
Medicaid	14.0	26.5
Indochina Refugee Children Assistance Act	12.0	
Department of Agriculture:		
Food and nutrition service	126.0	212.0
Other programs	2.0	2.0
Department of Commerce	.3	.3
Department of Housing and Urban Development	12.2	17.6
Department of Justice	1.0	1.0
Department of Labor	53.0	53.0
ACTION	.8	.8
Subtotal	779.0	980.1
Total	1,455.6	1,612.0

[1] These programs are consolidated in the Migration and Refugee Assistance Appropriation in 1981.

The major responsibility for refugee policy and assistance has rested with the Department of State, the Department of Health, Education, and Welfare, and the Department of Justice. The roles of these Departments are discussed below.

1. *State Department.*—A major aspect of the State Department's refugee work is to provide assistance to the major international organizations responsible for refugees abroad: the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) which are, among other things, re-

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[36] Public Law 95–110, Supplemental Refugee Assistance/Cambodian Relief Assistance Act. The report is reprinted in U.S. Congress. Senate. Committee on the Judiciary. U.S. Refugee Programs. Hearing, 96th Congress, 2d sess., Apr. 17, 1980. Washington, U.S. Government Printing Office, 1980. p. 150. (Hereinafter referred to as "Assistance Report.")

sponsible for the care and maintenance of refugees in camps in areas of first asylum; and the Intergovernmental Committee for European Migration (ICEM) which is responsible for medical screening in camps, and transportation of refugees to areas of permanent resettlement. The United States also makes direct contributions to ameliorate refugee problems abroad through State Department programs.

As discussed in the previous section of this report, the State Department has also been responsible for providing support to the major voluntary agencies for activities abroad and in this country. The voluntary agencies have representatives in the areas of first asylum who provide for purposes of sponsorship initial screening of refugees potentially resettling in the United States. The State Department's initial resettlement contracts with the VOLAGS to provide reception and placement of refugees once they are in the United States is the Department's only domestic activity. The Refugee Act of 1980 provided for the transfer of this activity to the Department of HHS beginning in fiscal year 1982 subject to further study by the President.

The Department of State recently underwent a reorganization intended to improve the planning and coordination of domestic and international refugee programs. Until that time, the Office of Refugee and Migration Affairs (ORM) was generally responsible for formulating U.S. refugee policy, planning and coordinating U.S. refugee efforts, ensuring that refugee concerns are included in the consideration of foreign policy and immigration questions, and representing the United States regarding refugee activities carried out by the United Nations and other international organizations, or by private voluntary agencies. It was through ORM that the United States cooperated with and contributed to the U.N. High Commissioner for Refugees (UNHCR), the Intergovernmental Committee for European Migration (ICEM), and the International Committee of the Red Cross (ICRC). ORM's administration of refugee activities was seriously criticized. According to an April 1979 House Committee on Appropriations report,

> Until August 1977, when the Bureau of Human Rights and Humanitarian Affairs (HRHA) was established in the U.S. Department of State (USDS) under an Assistant Secretary of State, the Office of Refugee and Migration Affairs (ORM) was considered a temporary program and was shifted about under various offices with in the USDS. Even though ORM has now been a component of the New Bureau of HRHA for about 1½ years * * * management of the [immigration and refugee assistance] effort continues to be piecemeal, inconsistent, and undisciplined."[37]

In July 1979 a new Office of Refugee Programs was established in the Department of State, headed by a director with a rank equivalent to Assistant Secretary. The office was generally made responsible for all State Department functions relating to refugees consolidating responsibilities previously handled by AID and other department offices.[38] Earlier that year a U.S. refugee coordinator was appointed at the State Department to oversee all domestic and international refugee programs (see below). The Director of the Office of Refugee Programs currently also serves as the Deputy U.S. Coordinator for Refugee Affairs.

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[37] U.S. Congress. House. Committee on Appropriations. Foreign Assistance and Related Programs Appropriations for 1980. Hearings, 96th Congress, 1st sess., part 3. Management and Administration of the Office of Refugee and Migration Affairs. Washington, U.S. Government Printing Office, 1979, p. 1.

[38] Foreign Affairs Manual Circular, FAMC No. 805, dated July 31, 1979.

2. The Department of Health, Education, and Welfare.—The Department of Health, Education, and Welfare (HEW) became the agency primarily responsible for the domestic resettlement assistance provided refugees with the advent of a special program for Cuban refugees. The Cuban refugee program began at HEW in 1961 with a nine point program recommended by then-HEW Secretary Abraham Ribicoff. Later statutorily authorized (see below), local agencies should be used to provide assistance to needy refugees through existing welfare programs.[39] The Indochinese refugee assistance program (IRAP), patterned after the Cuban program, was administered by HEW after its inception in 1975.

Both the Cuban and Indochinese refugee programs were administered by the Social Security Administration until recently when a reorganization moved the refugee operation to the Office of the Secretary. A special matching grant program for Soviet and other refugees beginning in 1979 was also administered by this office.

Educational assistance under the Cuban and Indochinese programs as well as other special educational assistance for refugees was administered by the Office of Education within HEW.[40] Other offices in the department have administered activities that affect refugees but do not specifically address the needs of this group. For example, the Public Health Service monitors overseas health screening of refugees coming to the United States and examines health records at ports of entry.

Under provisions of the Refugee Act, all Federal domestic refugee assistance authorized by the act will be administered by HEW's successor agency, the Department of Health and Human Services (HHS), in a new Office of Refugee Resettlement.

3. The Department of Justice.—The Department of Justice's Immigration and Naturalization Service (INS) is the principal agency responsible for enforcing immigration law, and in this regard has participated in the resettlement of refugees. INS has been charged with screening refugees abroad for admission, screening them upon entry into the United States, inspecting refugees for adjustment of status to that of permanent resident alien, and naturalizing refugees who eventually qualify to become citizens. The Justice Department's Community Relations Service is available to assist local communities experiencing potential conflicts between refugees and citizens.[41]

4. Other agencies offering refugee assistance.—Refugees are eligible for and have benefited from Federal assistance that is targeted generally to U.S. citizens in need. Such assistance is available from the following agencies and programs as follows:[42]

Department of Agriculture: Food stamps, school lunch and breakfast programs, Family Extension Service and Forest Service Job Corps Center programs.

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[39] See TransCentury report, p. 36.

[40] The functions of the Office of Education were recently assumed by the U.S. Department of Education.

[41] Assistance Report, p. 168.

[42] Ibid., p. 167–169

Department of Commerce: Special counseling program for refugees in Texas financed under the National Sea Grant Program and Minority Business Development Administration.

Department of Housing and Urban Development: Various low income housing programs.

Department of Labor: Job Corps, CETA, U.S. Employment Service programs.

ACTION: Volunteer programs assisting in refugee resettlement.

5. U.S. Coordinator for Refugees' Affairs.—Many members of Congress, administration officials, and persons involved in the refugee and migration field, had believed that effective coordination of U.S. refugee assistance activities had not been achieved, and that a new approach was needed. For example, the Senate Committee on Appropriations assessed the situation in 1978 as follows:

> Operating under the direction of three major Federal agencies and through more than a dozen independent organizations the U.S. refugee assistance effort has become a "crazy quilt" assemblage of overlapping and frequently competing programs that have resisted reorganization, central direction and reform at least since 1972. Ongoing programs bear little relationship to established need and have perpetuated inexplicable inequities in the types and levels of assistance to which individual refugees are entitled * * * the time has come not to assess blame but to establish a rational and coherent refugee policy for the United States.[43]

Under a directive issued by President Carter on February 28, 1979, the position of Ambassador at Large and U.S. Coordinator for Refugee Affairs was established in the State Department as a first step toward a coordinated U.S. refugee effort. The President appointed former Senator Dick Clark as the first U.S. Coordinator. The responsibilities of the coordinator were generally to formulate the overall U.S. refugee policy and goals; coordinate U.S. domestic and international refugee assistance; represent the United States and maintain liaison with foreign governments, international organizations and voluntary agencies regarding refugee matters; act as the focal point within the State Department for guidance on refugee affairs; and provide policy direction to the Director of Refugee Programs there.[44]

The U.S. Coordinator's position and responsibilities were statutorily authorized by the Refugee Act. The current Ambassador is Victor H. Palmieri who succeeded Senator Clark in December 1979.

II. Legislation and Programs Authorizing Refugee Resettlement Assistance

A. Migration and Refugee Assistance Act of 1962

The Migration and Refugee Assistance Act of 1962,[45] the first comprehensive refugee assistance statute, formed the legal basis for much of the State Department's migration and refugee assistance efforts as well as for HEW's Cuban refugee program. The law was neither repealed nor significantly amended prior to the enactment of the Refugee Act.

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[43] U.S. Congress. Senate. Committee on Appropriations. Foreign Assistance and Related Programs Appropriation bill, 1979. Report to accompany H.R. 12931. Senate Report No. 95–1194. 95th Cong., 2d sess. Washington, U.S. Government Printing Office, 1978, p. 121.

[44] Foreign Affairs Manual Circular, FAMC No. 804, dated July 30, 1979.

[45] Act of June 28, 1962, 76 Stat. 121.

The Migration and Refugee Assistance Act specifically authorized the membership of the United States in the Intergovernmental Committee on European Migration (ICEM) and contributions to that organization and to the U.N. High Commissioner's office. It also provided general authority for the President to assist refugees throughout the world if he deemed it in the defense, security or foreign policy interest of the United States. The act also authorized the U.S. Emergency Migration and Refugee Assistance Fund to be used for refugee assistance at the President's discretion in emergency situations.

The authorization level for the U.S. Emergency Fund was increased by the Refugee Act from $25 million to $50 million. The original level was $10 million.

Sections 2(b)(3) through 2(b)(6) of the act provided the authority for the Cuban refugee program. The authority so stated was broad and included: financial assistance to needy refugees; assistance to State or local public agencies providing health services, educational services, and employment training and related services to substantial numbers of refugees; transportation to, and resettlement in, other areas of the United States; and the establishment and maintenance of employment or refresher professional training projects.

Federal assistance had been provided for Cuban refugees since 1960, and the Cuban refugee program had been a part of HEW since 1961 when the Refugee Act was being considered by Congress. As table V indicates, over $1.3 billion had been expended for the program over its long life.

TABLE V.—*Cuban refugee program*

Fiscal year—obligations:	*Millions*
1961	$4.1
1962	38.5
1963	56.0
1964	46.0
1965	32.5
1966	35.8
1967	45.6
1968	55.2
1969	70.6
1970	87.4
1971	112.1
1972	136.7
1973	143.7
1974	114.8
1975	84.2
1976	[1] 103.3
1977	80.5
1978	55.5
1979 (estimated)	57.3
Total	1,359.8

[1] Includes transition quarter, July 1–Sept. 30, 1976.

SOURCE.—U.S. Congress. Senate. Committee on the Judiciary. The Refugee Act of 1979. S. 643. Hearing 96th Congress, 1st sess., Mar. 14, 1979. Washington, U.S. Government Printing Office, 1979, p. 30.

The long duration of the Cuban program was a subject of controversy. The question of how long special refugee assistance should be provided by the Federal Government could not be easily resolved, as the history of the program demonstrates. A phasedown of the Cuban refugee program was announced by the Department of Health, Education, and Welfare twice, in 1973 and in 1974, but both proposed phasedowns were suspended because funding was continued by Congress at a nonphasedown level.

Public Law 95-205,[46] the fiscal year 1978 Labor-HEW Appropriations Act, inaugurated a 6-year phasedown of the Cuban refugee program through fiscal year 1983. The program was in its second year of the phaseout when the Refugee Act was being considered by Congress. The phasedown rates were as follows:

Fiscal year:	Percent
1978	95
1979	85
1980	75
1981	60
1982	45
1983	25

Under the phasedown, the Federal Government reimburses States (primarily Florida) at the phasedown rate for the non-Federal share of cash assistance, medical assistance and administrative costs provided needy Cuban refugees under provisions of the Social Security Act. Such reimbursement had characteristically accounted for the largest portion of expenditures under the Cuban program.

The Federal Government also provided funding to offset the costs of educating Cuban refugee children in Dade County, Fla., under the Cuban refugee program. The phasedown rate was applied to a base expenditure for education programs during fiscal year 1977 of $12,510,000.

The only aspect of the Cuban program that was not subject to the phasedown was Federal reimbursement for the State's costs of providing medicaid to Cuban refugees receiving supplemental security income (SSI) because they were aged, blind, or disabled.

Expenditures under the phasedown, which was continued under provisions of the Refugee Act, have been estimated by HEW as follows:

TABLE VI.—ESTIMATED EXPENDITURES UNDER THE CUBAN PROGRAM PHASEDOWN

	Total	Education	Medicaid	Cash and medical assistance
Fiscal year—				
1980	$53,308,000	$9,383,000	$13,000,000	$30,925,000
1981	44,800,000	7,506,000	13,500,000	23,794,000
1982	36,700,000	5,629,500	14,000,000	17,070,500
1983	29,600,000	3,127,500	14,300,000	12,172,500

The Refugee Act amended the Migration and Refugee Assistance Act repealing the provisions relating to the Cuban program, except for purposes of the phasedown of the program, but leaving the remaining provisions relatively intact.

B. The Indochina Migration and Refugee Assistance Act[47]

The Indochina Migration and Refugee Assistance Act of 1975, as amended, served as the authority for the Indochinese refugee assistance program (IRAP). The act incorporated by reference the terms of the Migration and Refugee Assistance Act extending its authority to Indochinese refugees. A separate piece of legislation with a specific termination date was enacted for the Indochinese refugee program, in part to avoid creating another open-ended long-term refugee assistance program like the Cuban program.

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[46] Act of Dec. 9, 1977.

[47] Act of May 23, 1975, 89 Stat. 87; as amended by act of June 21, 1976, 90 Stat. 691, act of Oct. 28, 1977, 91 Stat. 1224, act of Oct. 30, 1978, 92 Stat. 2065.

As originally enacted, the Indochina Migration and Refugee Assistance Act authorized $455 million for assistance to Vietnamese and Cambodian refugees under the terms of the Migration and Refugee Assistance Act through June 30, 1976, except for expenditures to carry out domestic assistance activities which were authorized through September 30, 1977. The act was subsequently amended to include refugees from Laos under the authorization.

Also under the original terms of the act, the President was required to regularly report to Congress on expenditures under the program.

The Indochina Migration and Refugee Assistance Act briefly expired in 1977 resulting in the disruption of certain refugee assistance activities, but was subsequently extended on a 4-year phaseout basis by Public Law 95-145. A significant feature of this legislation was that it specifically authorized Federal reimbursement for the non-Federal share of cash assistance provided Indochinese refugees under title IV of the Social Security Act, as amended, which authorizes the aid to families with dependent children (AFDC) program, and medical assistance provided under title XIX of the Social Security Act, which authorizes the medicaid program. This enabled States participating in the Indochinese refugee assistance program to transfer refugees who met categorical eligibility requirements for AFDC and medicaid to these ongoing programs while still receiving Federal reimbursement for the costs of providing cash and medical assistance to the refugees. States that were not participating in the regular Indochinese refugee program could not benefit from the new provision.

Public Law 94-145 also authorized $25 million for special projects for refugees to assist them in gaining skills and education necessary to become self-reliant. This money was made available to State or local public agencies or voluntary agencies.

The reporting requirements in Public Law 94-23 were amended by Public Law 95-145 to require that annual reports from the Secretary of Health, Education, and Welfare be submitted to Congress as specified in the 1975 law by December 31 of each year through the phasedown period.

Title II of Public Law 95-549 amended the Indochina Migration and Refugee Assistance Act to extend the Indochinese refugee program at the full funding level, suspending the phaseout required under Public Law 95-145, but providing for the continuation of the program only through fiscal year 1979.

The Indochina Migration and Refugee Assistance Act was extended through fiscal year 1981 under a provision of Public Law 96-110, to allow for the continuation of the program pending the enactment of the Refugee Act. The Refugee Act repealed the legislation.

Federal assistance for Indochinese refugees resettling in the United States, provided by HEW since 1975, represented the bulk of domestic assistance available to refugees at the time the Refugee Act was being considered by Congress.

The Indochinese resettlement assistance program was similar to the Cuban program in the benefits it provided. The major aspect of both programs was reimbursement to States for cash and medical assistance to needy refugees. The most recent annual report on the Indochinese refugee assistance program describes this assistance.

> Needy aged, blind, and disabled refugees are eligible for the Federal supplemental security income (SSI) program on the same basis as citizens and other aliens legally admitted for permanent residence; Federal refugee program funds are provided for any State supplementary payments for which Indochinese refugee SSI recipients qualify.
>
> Assistance to other needy Indochinese refugees is provided on the same basis as aid to families with dependent children (AFDC) for other residents of a State, except that requirements relating to family composition are waived. Refugees eligible for AFDC are placed on that program, and States are reimbursed through the refugee program for that portion of the costs (about 46 percent on a national average) which would be paid by the States in the case of nonrefugees. For needy refugees not eligible for the regular AFDC or SSI program, full Federal reimbursement is provided to States through the refugee program; assistance to such refugees is based on the same income limitations and payment levels as apply in a State's AFDC program.
>
> Full Federal funding is similarly provided for medical assistance to needy refugees. For refugees eligible for a State's regular medicaid program, the refugee program reimburses what would normally be the State share of costs (about 44 percent on a national average). For other needy refugees, the refugee program itself reimburses the full cost of medical assistance. To be eligible for medical assistance, a refugee must generally meet the same financial requirements as apply in a State's medicaid program.
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> Needy refugees are also eligible for food stamps on the same basis as nonrefugees; however, no special funding is provided through the refugee program for this purpose.[45]

The Indochinese refugee assistance program also provided funds for special projects in the areas of English language training, employment services, mental health, and others to facilitate the adjustment of the Indochinese refugees resettling here under the Indochinese refugee assistance program.

Social services for refugees were provided through the State's title XX Social Security Act plan. Recently, special purchase-of-service agreements have been made available for special refugee social service plans.

Unaccompanied refugee children were cared for through State and local child welfare structures under the Indochinese refugee program.

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[45] U.S. Department of Health, Education, and Welfare. Office of Refugee Affairs. Indochinese Refugee Assistance Program. Report to the Congress. Dec. 31, 1979. Washington, U.S. Government Printing Office, 1980. p. 7.

The following tables indicate obligations by HEW under the Indochinese refugee assistance program through fiscal year 1979.

TABLE VII.—*HEW obligations under Indochina Migration and Refugee Assistance Act through fiscal year 1977*

Social Security Administration:	
Social and rehabilitation service obligations May 1975 through August 1976	$66,068,588
Social Security Administration obligations September 1976 through September 1977	105,681,905
Total	171,750,493
Office of Education:	
Language training and cultural orientation at reception centers	1,468,000
Expanded elementary, secondary, and adult education programs at centers	2,319,000
Transitional assistance to school districts and to State education agencies	14,796,286
Adult education grants to States	4,991,278
Center for Applied Linguistics	641,033
Bilingual education technical assistance centers	800,000
Supportive services (technical assistance, postsecondary hotline, credential evaluation project)	280,000
Administration of program	200,000
Total	25,495,597
Health obligations:	
Public Health Service:	
Care in PHS facilities	1,448,429
Contract medical care	975,096
Other expenses	134,393
Subtotal	2,557,918
Center for Disease Control: Immunizations and screening	612,253
Health Resources Administration:	
Physicians retraining	1,294,198
Dentists retraining	366,136
Subtotal	1,660,334
Total	4,830,505
Total obligations	202,076,595

SOURCE.—U.S. Department of Health, Education, and Welfare. Office of Family Assistance. Report to the Congress of the HEW Refugee Task Force, Sept. 20, 1976. And, Report to the Congress of the HEW Refugee Task Force, Dec. 31, 1977.

TABLE VIII.—*HEW obligations under Indochinese Migration and Refugee Assistance Act, fiscal year 1978*

Cash assistance, medical assistance, social service, and administrative costs	$100,924,586
Special projects:	
English language and employment services projects	7,200,000
Mental health grants	2,800,000
Total	10,000,000
Federal administration and direct services	1,442,890
Total obligations	112,367,476

SOURCE.—U.S. Department of Health, Education, and Welfare. Office of Family Assistance. Report to the Congress. Indochinese Refugee Program, Dec. 31, 1978.

Table IX.—*HEW obligations under Indochina Migration and Refugee Assistance Act, fiscal year 1979*

Funding to States:	*Thousands*
Cash assistance	$61,570
Medical assistance	34,153
Social services	30,557
Administrative costs	11,140
Subtotal, States	137,420
Health Services Administration for medical services	150
Special projects for employment/training and mental health	7,498
Federally administered supplemental security income (SSI) State supplementation	2,877
Total obligations	147,945
Lapsing	6
Total appropriation	147,951

Source.—U.S. Department of Health, Education, and Welfare. Office of Refugee Affairs. Report to the Congress. Indochinese Refugee Assistance Program. Dec. 31, 1979.

C. Indochina Refugee Children Assistance Act of 1976 [49]

The Indochina Refugee Children Assistance Act of 1976 authorized payments to State educational agencies for the costs incurred by State and local educational agencies providing education for Indochinese refugee children. The act also authorized grants for special adult education programs for Indochinese refugees.

The Indochina Refugee Children Assistance Act was passed by Congress largely because it was felt at that time that reimbursement for educational expenses would not be forthcoming under the terms of the Indochina Migration and Refugee Assistance Act.[50]

Title I of the legislation authorized entitlements for fiscal year 1976, but this title never took effect due to the delayed passage of the legislation.

Title II of the original legislation, applying to the fiscal year 1976 transition period and fiscal year 1977, authorized entitled payments to school districts of up to $300 per refugee child 5 to 17 years old, up to 100 children or 1 percent of the total enrollment in each school district, whichever was less; in addition, $600 was authorized for each Indochinese refugee child in excess of 100 students per school district or 1 percent of total enrollment, whichever was less. States could receive up to 1 percent of their entitlement for administration of the grants.

Title III of the Indochina Refugee Children Assistance Act amended the Adult Education Act authorizing the Commissioner of Education to provide grants to State and local educational agencies for operating adult education programs for Indochinese refugees.

Title II was extended through fiscal year 1981 by the Education Amendments of 1978. These amendments provided entitlements at a rate, up to $450 per refugee child paroled into the United States after January 1, 1977. Funds for the administration of the program by States was raised to 5 percent of the State's entitlement. Title III also was originally to expire at the end of fiscal year 1977 and was extended through fiscal year 1983 by the Education Amendments of 1978.

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[49] Act of Sept. 10, 1976, 90 Stat. 1225.

[50] U.S. Congress. House. Committee on Education and Labor. Indochina Refugee Children Assistance Act of 1975; report to accompany H.R. 7897, 94th Congress, 1st sess., Washington, U.S. Government Printing Office, 1975, p. 4 (94th Congress, 1st sess. House Report No. 94–719).

Under provisions of the Supplemental Appropriations Act of May 4, 1977, $18.5 million was appropriated to implement title II. This funding was eventually made available through fiscal year 1978. The same supplemental appropriations bill appropriated $10,250,000 for the adult education grants under title III of the act.

No new funding was provided for the title II program until the Continuing Appropriations Act for 1980 [51] when $12 million was made available for fiscal year 1980. These funds were distributed by the Office of Education in entitlements to provide services to 66,300 children in the 50 States and the District of Columbia. The per child expenditure had to be considerably reduced from the authorized $450 maximum due to the low appropriation. Title III adult education programs were provided $2.5 million under the same legislation.

The legislation is now administered by the Department of Education. The Department is not requesting funds for the programs under the Indochina Refugee Children Assistance Act for fiscal year 1981. Related activities will continue under the authority of the Refugee Act of 1980.

D. Assistance for Soviets and other refugees

The Foreign Relations Authorization Act, Public Law 95-426,[52] authorized $20 million for a new domestic refugee assistance program. The fiscal year 1979 Foreign Assistance Appropriations Act, Public Law 95-481,[53] appropriated this amount, and a Senate amendment assigned administrative responsibility for the new program to the Department of Health, Education, and Welfare.

The new program initiated at HEW provided Federal funds to voluntary agencies on a dollar for dollar matching basis. It was designed to serve refugees not already covered by the Cuban refugee program and the Indochinese refugee program, which provided assistance for followup resettlement services provided by public agencies. It was expected that the majority of refugees to be served by this program would be from the Soviet Union, so this new program is sometimes referred to as the "Soviet and other" refugee program. Unlike the Cuban and Indochinese refugee programs, however, this program was not limited to refugees of particular nationalities. The new program was designed to remove disparity in the treatment of different groups of refugees receiving Federal assistance.

Funds were to be used to meet resettlement needs after the refugee arrives in the United States. This program was to complement the reception and placement grants provided by the Department of State, which met the refugee's immediate needs, by enabling the voluntary agencies to provide more followup services such as English language training and employment counseling.

Increased Federal funding was regarded as necessary because the number of refugees seeking to resettle in the United States has increased dramatically in recent years, particularly since emigration from Communist countries has been facilitated by the Helsinki Accords. Private voluntary agencies bore much of the financial impact of this increased refugee flow from Eastern Europe at a time when many of the same agencies were also involved in assistance to Indochinese refugees.

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[51] Public Law 96-123.
[52] Act of Oct. 7, 1978.
[53] Act of Oct. 18, 1978.

This program has continued under the authority of the Refugee Act, primarily for the resettlement of Soviet refugees. In fiscal year 1979, $28 million was obligated for the program and $20 million was made available for fiscal year 1980.

Funds are distributed in the form of grants made under contracts between HHS and participating voluntary agencies. Voluntary agencies with Department of State reception and placement contracts were chosen by HEW to receive the additional Federal assistance under this program.

E. Initial reception and placement grants

As discussed in the section on the participation of voluntary agencies in refugee resettlement, the State Department contracted with major voluntary agencies in refugee resettlement, to provide for the reception and placement of refugees in this country with sponsors.

Table X indicates the evolution of these expenditures at the State Department since their inception.

TABLE X.—U.S. DEPARTMENT OF STATE INITIAL RECEPTION AND PLACEMENT GRANTS

	Indochinese	Soviets and others	Total
Fiscal year—			
1975	$5, 500, 000		$5, 500, 000
1976		$3, 000, 000	3, 000, 000
1977	5, 500, 000	4, 100, 000	9, 600, 000
1978	30, 300, 000	8, 985, 000	39, 285, 000
1979	84, 000, 000	12, 600, 000	96, 600, 000
1980[1]	89, 880, 000	13, 500, 000	103, 380, 000
1981[1]			

[1] Estimates based on 7 percent inflation rate.

Source: U.S. Department of State, Office of the U.S. Coordinator for Refugee Affairs.

PART III. THE REFUGEE ACT OF 1980

Congress passed the Refugee Act of 1980 to provide a permanent statute revising U.S. refugee admissions policy as well as authorizing uniform resettlement assistance for all refugees arriving in the United States. The legislation was intended to be an appropriate reflection of today's immigration and assistance policies while being sufficiently flexible to meet the regular and emergent needs of the future.

Past U.S. refugee policy was often characterized as being "ad hoc," "piecemeal," or "stopgap" in nature. Former Senator Dick Clark, U.S. Coordinator for Refugee Affairs, used the words "patchwork" and "makeshift" in testimony before the Senate Committee on the Judiciary:

> Until now, we have carried out our refugee programs through what is essentially a patchwork of different programs that evolved in response to specific crises. The resulting legislative framework is inadequate to cope with the refugee problem we face today. It was originally designed to deal with people fleeing Communist regimes in Eastern Europe or repressive governments in the Middle East in the immediate postwar period and the early cold war years. This framework still assumes that most refugees admitted to the United States come from these two geographic areas, or from Communist-dominated countries * * *.
>
> Until now, our refugee laws have hampered our ability to accommodate the demands for resettlement in the United States in anything but a makeshift way * * *.
>
> The combination of conditional entry and parole procedures has become increasingly cumbersome and inadequate over the years. In both the administration and Congress we have come to see the need for a comprehensive and long-term policy.[54]

Late in the 95th Congress Senator Edward M. Kennedy, Chairman of the Subcommittee on Refugees of the Senate Judiciary Committee, wrote to Carter administration officials requesting their cooperation in the development of comprehensive refugee reform legislation. The Senator noted that legislation he had introduced that Congress, S. 2751, represented significant progress toward a new national refugee policy but,

> * * * this basic reform of the immigration law deals with only half the problem—the admission of refugees into the United States. We must also consider the problems involved in their resettlement in communities across our land, and what

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[54] U.S. Congress. Senate. Committee on the Judiciary. The Refugee Act of 1979, S. 643. Hearing on S. 643, 96th Congress, 1st sess., Mar. 14, 1979, Washington, U.S. Government Printing Office, 1979, p. 9–11. (Hereinafter referred to as Senate Hearing.)

the Federal responsibility is to help in the resettlement process.[55]

Legislation was subsequently developed by the Senate and House Judiciary Committees in consultation with the administration, and its major feature was the two-pronged approach advocated by Senator Kennedy.

The Refugee Act was introduced in the beginning of the 96th Congress on behalf of the Carter administration by Senator Kennedy, chairman of the Senate Judiciary Committee, and Representative Peter W. Rodino, Jr., chairman of the House Judiciary Committee, and Representative Elizabeth Holtzman, chairwoman of the House Judiciary Subcommittee on Immigration, Refugees and International Law.

The proposed Refugee Act represented a major amendment to the Immigration and Nationality Act. The definition of refugee would be broadened, removing the geographical and ideological limitations of the conditional entry provision. The number of regular refugee admissions would rise to 50,000 per year. There would be provision for the President to increase this number annually, if necessary, or in emergency situations, thereby shifting the discretion for large refugee admissions from the Attorney General to the President.

Also, the Refugee Act proposed amending the Migration and Refugee Assistance Act of 1962 to use it as the authority for temporary and transitional assistance for all refugees entering the United States regardless of their country of origin.

When Congress considered the Refugee Act it addressed a number of major issues. While the basic structure of the original Carter administration bill remained intact, there were some significant changes in the legislation after committee and floor amendments were adopted. Most particularly, the resettlement assistance provisions were completely rewritten by an amendment in the nature of a substitute offered by Representative Elizabeth Holtzman, chairwoman of the House immigration subcommittee, and adopted in the House Judiciary Committee's version of the legislation.

The following is an overview of the development of the Refugee Act and a summary of its provisions. The first section is an analysis of the most important issues that arose over the course of the legislation's consideration by Congress; the second section is a legislative history; the final section summarizes the provisions of the act.

I. MAJOR ISSUES

During consideration of the Refugee Act, the Congress focused on certain broad areas of concern. One was the numerical limits that would be placed on refugee admissions and congressional participation in setting these limits. Another was the administration of U.S. refugee programs at the Federal level and policy coordination. A final concern was the Federal assistance that would be made available for refugee resettlement and the duration of the assistance.

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[55] U.S. Congress. Senate. Committee on the Judiciary. The Refugee Act of 1979. Report to accompany S. 643, Senate Report No. 96-256, 96th Congress, 1st sess. Washington, U.S. Government Printing Office, 1979, p. 3.

The following are some of the specific major issues that were addressed during the development of the Refugee Act and their resolution.

A. Definition of refugee

As discussed in part II of this report, there was no specific definition of the term "refugee" in the Immigration and Nationality Act before the Refugee Act. Alien eligibility for conditional entry, the refugee component of the normal immigration process, was restricted ideologically to aliens who fled communism; and geographically, to aliens who fled Communist or Communist-dominated countries of the Middle East. It was commonly agreed that these standards were too narrow to serve the needs of U.S. refugee policy.

As introduced, the Refugee Act proposed a definition of the term "refugee," designed to bring the United States into accord with our treaty obligations under the United Nations Convention and Protocol Relating to the Status of Refugees. Under this original language, a refugee was,

> * * * any person who is outside any country of his nationality or, in the case of a person having no nationality, is outside any country in which he last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group or political opinion.

Persons within their country of nationality are not covered by the U.N. definition, apparently because it was felt that flight out of one's country would constitute a certain proof of an alien's deserving refugee status.[56] Both the Senate and House Judiciary committees added language to the administration version of the definition, specifically to include persons within their country of nationality as being eligible for refugee status. Both committees cited the need for the United States to have the additional flexibility to respond to all situations of persecution; for example, the Vietnamese who were evacuated from Saigon in 1975 after the war would not have been covered under the U.N. definition alone.

Language was added to the definition by the Senate Judiciary Committee to include a person within his country of nationality "* * * displaced by military or civil disturbance or uprooted because of arbitrary detention and who is unable to return to his usual place of abode." The committee felt that the "arbitrary detention" language would cover political prisoners or detainees which were groups of major concern.[57] The House Judiciary Committee's amendment to the definition was broader, including any persecuted person within his country of nationality. The House bill, however, specifically excluded from the definition of refugee persons who in any way had participated in the persecution of others.

An amendment to the House committee amendment to the definition was offered by Representative Dante Fascell, chairman of the House

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[56] Fascell, Dante. Remarks in House. Congressional Record. Daily Edition, v. 125, Dec. 20, 1979. p. H 12369.

[57] Senate Report No. 96-256. p. 4.

Foreign Affairs Committee's Subcommittee on International Operations, during consideration of the Refugee Act by the full House. The Fascell amendment, which was agreed to, restricted "within country" refugees to those specifically designated by the President after consultation with Congress. Mr. Fascell argued that the Judiciary Committee's broad definition created the potential for "long lines of refugee applicants at U.S. posts abroad who are not really refugees." [58] He said that his amendment would take care of those who were intended to be covered by the committee amendment, but would not open the door to "groundless applications for refugee status."

The conference committee adopted the House language for the definition of "refugee."

B. Numerical limitations on refugee admissions

Related to the question of the definition of refugees was the question of the annual numerical limits that would be placed on their admission to this country. It was recognized that the broader the definition, the greater the number of aliens who could potentially qualify for entry into the United States as refugees.

As originally introduced, the administration bill provided for an annual "normal flow" of 50,000 refugees indefinitely. There was also provision for admissions in excess of this number for a given fiscal year if a number were established by the President prior to the beginning of the fiscal year after consultation with Congress. At anytime, the President also could establish after consultation a number of emergency refugee admissions to be available for up to a succeeding 12-month period.

Senate and House committee reports argued that the proposed 50,000 normal flow would not, in fact, increase annual immigration flow into the United States. The legislation had reduced the Immigration and Nationality Act's annual worldwide limit on immigrant visas from 290,000 to 270,000 (17,400 of this reduction was represented by the repealed conditional entry provision). Therefore, the total immigration subject to numerical limits under the legislation would actually only increase by 30,000. The Senate Judiciary Committee summarized the past use of the parole authority to admit refugees which indicated that an average of 40,000 refugees had been admitted annually since 1956. Therefore, it was argued, there would be no actual increase in the immigration flow as a result of the Refugee Act.[59]

Neither the Senate nor House Judiciary Committee addressed the potential increases in immigration flow if excess or emergency admissions were authorized.

When the Refugee Act was debated in the Senate, Senator Walter Huddleston was particularly concerned about the potential total immigration that would be authorized by the Refugee Act. He said:

> * * * the bill * * * creates an open-ended admissions program with little congressional control. It also establishes the precedent of substantially increasing total immigration quotas without determining the domestic impact of such increases prior to making them.[60]

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[58] Fascell remarks in House on Dec. 20, 1979, p. H 12369.

[59] Senate Report No. 96-256, p. 5.

[60] Huddleston, Walter. Remarks in Senate. Congressional Record. Daily Edition, v. 125, Sept. 6, 1979. p. S 12015.

The Senate agreed to an amendment offered by Senator Huddleston to "sunset" after fiscal year 1982 the authorization for a normal flow of 50,000 refugees. After that date the number of refugees admissions would be determined by the President after consultation with Congress. The Senator argued that his amendment would force Congress to reevaluate the question of limits on regular refugee admissions after receiving the recommendations of the Select Commission on Immigration and Refugee Policy.

An amendment similar to Senator Huddleston's was defeated during the House Judiciary Committee's consideration of the Refugee Act. On the House floor, however, an amendment offered by Representative Caldwell Butler was agreed to which reduced the normal flow to 17,400 after fiscal year 1982.

Another amendment defeated in the House Judiciary Committee markup would have reduced the total worldwide immigration limitation of 270,000 by one for every two refugees admitted in excess of 50,000. A similar amendment was defeated in floor action. Opponents had argued that such a scheme would force a choice between the admissions of refugees and immigration for purposes of family unification which comprised about 80 percent of immigrant admissions.

The conferees agreed to sunsetting the normal flow after fiscal year 1982 as provided in the Senate version of the legislation. Their intent was that Congress review the question of numerical limitations again before that time.

C. Consultation

Executive branch consultation with Congress was an important aspect of the admissions procedure proposed by the Refugee Act. Under the original version of the legislation, such consultation would have been required for annual refugee admissions beyond the normal flow limit of 50,000 and for emergency admissions. There was precedent for consultation regarding refugee admissions. As a matter of courtesy, the Attorney General had consulted with the chairmen and ranking members of Senate and House Judiciary Committees before admitting refugee groups under the parole authority.

Because of the importance of consultation as the vehicle for congressional participation in setting refugee admissions, both the House and Senate amended the original administration bill to statutorily establish and formalize the consultation process. An amendment added by the Senate Judiciary Committee described the consultation process as "personal contact by designated representatives of the President with members of the committees on the Judiciary." The executive branch representatives were required to provide certain specific information as described in the amendment. The Senate Committee stated that it was not advisable to statutorily establish a time limit for the consultation process, but it should last no longer than 15 to 30 days. The termination of the process, furthermore, would have to be defined in each situation by the committee involved.

The Senate agreed to an amendment offered by Senator Walter Huddleston which required the Judiciary Committees to hold hearings and issue a report as part of the consultation process. The Senator felt that his amendment would assure the participation of the whole Congress in decisions relating to refugee admissions.[61]

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[61] Huddleston remarks in the Senate on Sept. 6, 1979, p. S12020.

The House Judiciary Committee reported an amendment similar to that added by the Senate Committee describing the consultation process. Major differences were that it called for Cabinet-level officials to represent the President in the consultation process, and that it required that the substance of the consultation be printed in the Congressional Record. During the committee markup, an attempt to include a requirement for a hearing and report was defeated, with opponents arguing that it would be cumbersome.

The House Judiciary Committee also amended the original administration bill to specifically require consultation on the allocation of admissions to refugee groups admitted to the United States.

The House Judiciary Committee indicated that it expected the period for consultation to be brief. The intent was that only the chairmen and ranking minority members of the Subcommittee on Immigration, Refugees and International Law and the full committee would be involved in the process. As far as the conclusion of the process was concerned, the committee report stated:

> Although the Committee Amendment does not set forth what action is required to conclude the consultation process, the Committee believes it is clear that the Administration cannot move ahead to admit additional refugees after consultation until some response has been received from the consultative members.[62]

There were several amendments on the House floor concerning the consultation process. One requiring full Judiciary Committee participation in the process was defeated. Another requiring a hearing as part of the process was accepted.

The most significant amendment, which was accepted by the House, provided for a legislative veto of refugee admissions beyond the 50,000 normal flow. The sponsor of the amendment, Representative Carlos Moorhead, stated that the consultation language was "illusory," allowing a few members to decide policy affecting the entire Nation.[63] Representative Hamilton Fish, the ranking minority member of the House Judiciary Committee's Subcommittee on Immigration, Refugees and International Law, supported the amendment, arguing that congressional concurrence with executive branch action was appropriate "with respect to their request for admission[s] of refugees beyond those specifically authorized by statute." Mr. Fish concluded that the Constitution gave the legislative branch control over immigration and that the amendment would restore control regarding refugee admission.[64]

Representative Holtzman, the floor manager of the bill, called the amendment "ill-conceived." She argued that the legislative veto would hamper the President's ability to make international commitments on refugees, and would disrupt the U.S. refugee program, possibly endangering lives.[65]

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[62] U.S. Congress. House. Committee on the Judiciary. The Refugee Act of 1979. Report together with additional and minority views to accompany H.R. 2816. House Report No. 96-608, 96th Cong., 1st sess. Washington, U.S. Gov't. Print. Office, 1979, p. 15.

[63] Moorhead, Carlos. Remarks in the House. Congressional Record, Daily Edition, v. 125, Dec. 20, 1979. p. H 12373.

[64] Fish, Hamilton. Remarks in the House. Congressional Record, Daily Edition, v. 125, Dec. 20, 1979. p. H 12375.

[65] Holtzman, Elizabeth. Remarks in the House. Congressional Record, Daily Edition, v. 125. Dec. 20, 1979. H 12374.

The conference committee deleted the provision for a legislative veto, but otherwise retained the House language regarding the consultation process. The concession on the legislative veto was a significant factor in the close vote in the House to accept the conference report.

D. Entry status

As introduced, the Refugee Act would have enabled refugees entering the United States under the normal flow of 50,000 to be admitted as lawful permanent residents.

Many commentators have noted that admission for permanent residence could be beneficial to refugees in a number of ways. Admission for permanent residence can convey a sense of emotional security and acceptance by the United States, as well as a degree of legal security, that conditional entry or parole could not provide. A number of States restrict employment in certain professions to citizens and aliens lawfully admitted for permanent residence, so permanent residency could expand the job opportunities available to refugees. Other economic benefits would include eligibility for in-State tuition at public institutions of higher education. In addition, the acquisition of permanent resident status is the first step toward the acquisition of citizenship. Permanent residents and citizens may also petition for the admission of relatives under the Immigration and Nationality Act.

While chairing hearings before the Judiciary Committee on the proposed Refugee Act, Senator Edward Kennedy commented on the change in policy that would provide refugees visas:

> There are those who may wonder about the screening process involved in issuing conditional entries—that we may need that. But giving a visa and permanent resident status does not inhibit the Department of State in screening applicants nor the immigration Service moving to deport individuals who, for whatever reason, failed to meet the strictures of law under the refugee program, and other undesirables. It does not change that at all.
>
> What it does do is eliminate some of the barricades to enable refugees to become productive members of the community. For example, a person cannot be a barber in some States if he is a conditional extrant, but he can be as a permanent resident. There are a whole host of different prohibitions that are set in State laws. It makes it increasingly complicated and difficult for refugees once they do come in to become self-sufficient. We are constantly in the situation where we have to act to adjust their status by special legislation. That takes a good deal of time. It really has very little purpose.[66]

Voluntary agencies testifying before Senator Kennedy's committee stated that they felt that visas providing immediate permanent residency status for refugees would be of "great benefit" especially as far as employment was concerned.[67]

The provision for permanent residency status for normal flow refugees was not included in the House version of the Refugee Act. The legislation called for the conditional entry of all refugees under a new "refugee" status. Representative Holtzman, author of the House committee amendment, explained:

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[66] Senate Hearing, p. 36–37.
[67] Ibid., p. 54.

> Admitting the refugees as refugees—in effect granting them a new status—will allow officials to conduct better and more intensive screening prior to granting them permanent resident status. In testimony before the committee, the Attorney General stated that he was not satisfied with current screening procedures and would support a status akin to conditional entry after admission.[68]

The conference committee agreed that all refugees would have to be in the United States 1 year before becoming permanent resident aliens. The conference report stated the intent of the conferees that the conditional "refugee" status should be viewed as permanent residency status for the purposes of interpreting restrictions in State and local licensing laws.

E. The use of the parole authority to admit refugees

Attorney General Griffin B. Bell described one of the problems associated with the extensive use of the parole provision in the past to admit refugees:

> The numbers of refugees admitted through the use of the parole have become greater than was contemplated by Congress. This * * * has the practical effect of giving the Attorney General more power than the Congress in determining limits on the entry of refugees into the country.[69]

Attorney General Bell has previously outlined other problems:

> I am not comfortable about the use of the parole authority in * * * situations where I have exercised that authority in the past. Nor is this discomfort unique to me. Every Attorney General before me, faced with such requests, has voiced similar reservations because the intent of the Congress, in establishing the parole authority, was to provide a safety valve for unusual, individual cases of compelling need that could not otherwise be met. It was not to provide the means to end-run the other provisions of the immigration law.
>
> And yet, we are repeatedly forced to do just that because the refugee provisions of the law are inadequate to circumstances as we find them around the world and to our policies as a nation in attempting to respond.
>
> As a result we are unable to give clear signals to other nations about the extent of our ability to meet world refugee needs. We are unable to plan effectively * * *. Finally—and most regrettably—individual refugees are hostage to a system that necessitates that their plight build to tragic proportions so as to establish the imperative to act.[70]

Among the purposes of the Refugee Act was to provide an admissions procedure that would be sufficiently flexible to do away with the need for the Attorney General's parole authority as a basis for refugee admissions. The Senate Judiciary Committee's report on the legislation concluded that the new admissions process that was proposed, would end "* * * the years of ad hoc use of the parole authority, which has been implemented by custom rather than clearly defined by law."

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[68] Holtzman, Elizabeth. Remarks in the House. Congressional Record, Daily Edition, v. 125, Dec. 20, 1979. p. H 11967.

[69] U.S. Congress. House. Committee on the Judiciary. Subcommittee on Immigration, Refugees and International Law. Refugee Act of 1979. Hearings on H.R. 2816, 96th Cong., 1st sess., May 3, 10, 16, 23 and 24, 1979. Washington, U.S. Government Printing Office, 1979, p. 20.

[70] Testimony before the House Committee on the Judiciary, Nov. 28, 1978.

Although they provided alternate means for the admission of groups of refugees, the administration and Senate-passed versions of the Refugee Act did not amend the existing parole provision in the Immigration and Nationality Act. Speaking for the administration, U.S. Associate Attorney General Michael J. Egan said:

> * * * The parole authority remains. It is thought that in the future it may be exercised only for truly emergency and individual situations where refugees are desperately crying out for the help of this country.[71]

The House Judiciary Committee accepted an amendment to the Refugee Act specifically restricting the parole authority from being used to admit refugees in light of the new admissions provisions in the legislation. The restriction was as follows:

> The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee * * *.

The House Committee generally had indicated concern over what was viewed as a liberalized refugee admissions policy under the Refugee Act, and this amendment was a reflection of this concern.

The conference committee accepted the limitation on the use of the parole authority. It delayed the effective date until 60 days after the enactment of the legislation so that existing admissions programs based on the parole authority could continue until the new admissions provisions took effect. The conferees stated their intent that the restriction in no way would affect the ability of the Attorney General to use parole authority to admit aliens who were not refugees.

F. Domestic resettlement assistance: Administration

The division of responsibility for refugee resettlement among Federal agencies was perceived by some as hampering the monitoring, evaluation and coordination of refugee programs.

The House Judiciary Committee's version of the Refugee Act, an amendment in the nature of a substitute sponsored by Representative Holtzman, completely restructured the domestic refugee resettlement assistance effort. A key aspect of the proposed title III was the creation of a new office within the Department of Health, Education, and Welfare (now the Department of Health and Human Services) to administer all major domestic assistance programs for refugees. The committee felt that the office, which would be directly responsible to the Secretary, would create a "high-level focal point" for the refugee program and would promote planning, coordination, and accountability in the administration of refugee assistance.

There were attempts during the markup and on the House floor to amend the House bill with the administration bill's assistance provisions which had already been adopted by the Senate. These provisions essentially would have authorized for all refugees the same types of assistance that had been available for Indochinese refugees under the IRAP program, as well as have maintained the status quo concerning the administration by the State Department and HEW of the refugee programs. In his additional views presented in the House committee report, Congressman Robert McClory stated that it was unadvisable to establish any new office at HEW since no hearings had been held on the proposal, and since the administration opposed it on the grounds that its creation by statute would be "unnecessary and inflexible." Representative Holtzman, in contrast, called the assistance provisions proposed by the administration "a blank check to the executive branch which says 'Resettle refugees in any way you like.' "

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[71] Senate Hearing, p. 20.

The conferees generally agreed to the House proposal for the title III assistance program to be managed by an HEW office. The conference language did not require the office to be part of the Office of the Secretary of HEW, in order to allow future flexibility for administrative changes. However, it was the intent that for the time being, the Director of the Office should report directly to the Secretary. Also, the conferees stated their intent that the HEW office function under the "general policy guidance" of the U.S. Coordinator for Refugee Affairs.

A particular issue that arose in the context of the new assistance program proposed by the House was the transfer of the contract authority for initial resettlement grants from the Department of State to HEW. The major voluntary agencies, which had had a longstanding relationship with the State Department concerning these grants, opposed the transfer. Wells Klein, testifying on behalf of the American Council of Voluntary Agencies for Foreign Service, stated four reasons why his organization opposed the transfer: (1) a large portion of the initial resettlement grants was actually expended before the refugees arrived in the United States, and therefore was an appropriate responsibility of the State Department; (2) the refugee activities of the voluntary agencies would be lost within the massive HEW structure; (3) the natural constituency of HEW is State governments and the department might not relate well to the concerns of voluntary agencies in the refugee area; and (4) there had been an unsatisfactory working relationship between HEW and the voluntary agencies in the past as far as refugee resettlement programing was concerned.[72]

A compromise was reached on the question of the initial resettlement grants. A transfer to HEW would take place in fiscal year 1982. However, the legislation required the President to study the question of which agency would be most suitable to administer the grants and report to Congress by March 1, 1981. If, after his study, the President determines that the HEW office should not handle the initial resettlement grants, he may designate the most appropriate office.

G. Coordinating Office

Closely related to the issue of the new domestic assistance office that was proposed for HEW was the question of the future of the U.S. Coordinator for Refugee Affairs at the State Department.

The House Judiciary Committee's version of the Refugee Act did not address overall policy coordination. The committee made it clear in its report on the legislation, however, that the Office of the U.S.

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[72] House Hearings, p. 254–255.

Coordinator for Refugee Affairs would continue. The report commented on the relationship of the proposed HEW office to that of the Coordinator:

> The Committee wishes to make it clear that this Office does not interfer with, duplicate, or conflict with any function currently performed by the United States Coordinator for Refugee Affairs (except for the transfer of reception and placement grants to HEW after fiscal year 1980). The Committee does not intend to diminish in any way the responsibility or authority of the U.S. Coordinator. The Office is charged with the responsibility of administering programs which are already being administered by HEW or which are authorized by this bill. The U.S. Coordinator's mandate on the other hand is to coordinate the activities of all Federal agencies with respect to refugee affairs.[73]

On the House floor an amendment offered by Ms. Holtzman was agreed to which removed the Office of the Coordinator for Refugee Affairs from the State Department to the Executive Office of the President headed by a director as opposed to an Ambassador at Large. Ms. Holtzman argued that the office in this situation would be in a better position to coordinate the activities of a number of government agencies than it would be in the State Department.[74]

The Senate version of the Refugee Act would have maintained the status quo of State Department refugee policy coordination. In a compromise between the Senate's position and that of the House, the final language of the bill statutorily established a U.S. Coordinator for Refugee Affairs as an Ambassador at Large, and set forth his functions. It left open the question of the location of the Office of the Coordinator, leaving it up to the President to review the situation and advise Congress regarding the most appropriate location within a year after enactment of the legislation.

H. Domestic resettlement assistance: Duration

Originally, the administration proposed that the eligibility of a refugee for special Federal assistance and services authorized by the Refugee Act be limited to the first 2 years after the refugee's admission into the United States. The justification for the limitation was that it would preclude the open-ended assistance that had been provided in the past, notably under the Cuban program. Testifying before the Senate Judiciary Committee, U.S. Coordinator for Refugee Affairs Dick Clark conceded that the choice of 2 years was arbitrary, but that the administration felt that this was a "reasonable point to stop." [75] In contrast, voluntary agencies testified that 2 years was not a sufficient period for resettlement and called for greater flexibility with any limits on assistance.[76]

The Senate Judiciary Committee modified the limitation on assistance to have it apply to reimbursement for cash and medical assistance only. Senators Alan Cranston and S. I. Hayakawa of California offered a Senate floor amendment postponing the effective date of the

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[73] House Report No. 96-608, pp. 20-21.

[74] Holtzman, Elizabeth. Remarks in the House. Congressional Record, Daily Edition, v. 125, Dec. 20, 1979, p. H 12408.

[75] Senate Hearing, p. 35.

[76] Ibid., p. 66.

2-year time limit until October 1, 1980. They argued that the 1-year transition period they proposed was needed for the States to adjust to the termination of a large portion of Federal assistance that they were currently receiving reimbursing all public assistance costs for refugees.[77] The Senate agreed to the amendment.

The Holtzman amendment in the nature of a substitute as reported by her subcommittee provided a 4-year limit on reimbursement for child welfare benefits, cash and medical assistance for a 1-year transition period. During the full Judiciary Committee markup of the legislation, Representative George Danielson of California offered an amendment, which was defeated, to increase the transition period before the 4-year time limit would go into effect to 2 years. He pointed to the high number of Indochinese refugees in California, some of whom were a result of secondary migration, and the high proportion of these refugees who were receiving some kind of public assistance. Ms. Holtzman opposed the amendment, arguing that the subcommittee had reported a generous period for benefits as compared to that which was proposed by the Senate. The additional transition year would cost $54.6 million according to committee staff estimates. Representative Danielson reintroduced his amendment on the House floor where it was successful.

The final version of the Refugee Act represented a split in the differences between the Senate and the House bills concerning the duration of reimbursed public assistance and the length of the transition period. A 3-year limit was to take effect on April 1, 1981.

I. Domestic resettlement assistance: Phasedown of the Cuban program

Under the original administration version of the Refugee Act, Cuban refugees who arrived in the United States before October 1, 1978, would have been exempted from the 2-year time limit on assistance. According to administration officials testifying before the Senate Judiciary Committee, these Cubans would be eligible for reimbursed assistance under the phasedown of the Cuban program which was established under the 1978 Labor-HEW Appropriations Act. Cubans arriving after October 1, 1978, would receive assistance under the terms of the new legislation.[78]

The administration legislation was amended by the Senate Judiciary Committee to end the exemption for the Cuban refugees, thereby terminating the Cuban refugee program including all Cuban refugees under the terms of the Refugee Act.

Senator Lawton Chiles of Florida introduced an amendment in the Senate to continue the phasedown of the Cuban program under specific statutory language in the Refugee Act. Senator Chiles said that in the absence of the amendment, assistance for Cuban refugees, which had been longstanding, would abruptly terminate. He argued that the orderly phasedown had been agreed to by the administration and by the appropriations committees. Further, SSI recipients as of September 30, 1978, would be exempted from the phasedown proposed in the Chiles amendment due to the disproportionately large number of elderly and disabled among the Cuban refugee group. Senator Chiles stated that under his amendment this group was intended to receive

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[77] Cranston, Alan. Remarks in the Senate. Congressional Record, Daily Edition, v. 125, Sept. 6, 1979, p. S12023.

[78] Senate Hearing, p. 25.

100 percent Federal support as long as they lived. Senator Kennedy, the floor manager of the bill, supported the Chiles amendment and it was subsequently agreed to by the Senate.[79]

No provision to continue the Cuban program phasedown was agreed to by the House. An amendment had been introduced during the Judiciary Committee markup of the legislation, but was rejected. Opponents had argued that it was against the intent of the Refugee Act to treat any single refugee group differently, and that the Cubans had received special treatment long enough.

The conference committee accepted the Cuban program phasedown as proposed in the Senate bill. This was a matter of debate on the House floor, one member contending that the cost of the provision would be $90 million.[80] This matter was another issue that may have affected the close House vote on the conference report.

II. Legislative History

The first active consideration of refugee reform legislation was in the House of Representatives during the 95th Congress (1977–1978). Representative Joshua Eilberg, chairman of the House Judiciary Committee's Subcommittee on Immigration, Citizenship and International Law had introduced H.R. 3056 on February 2, 1977, to revise the procedure for the admission of refugees. Hearings were held on the legislation and the subcommittee reported a clean bill, H.R. 7175, to the full committee. No further action on this legislation followed.

The Refugee Act was introduced early in the 96th Congress on behalf of the Carter administration. It was drafted by the Senate and House Judiciary Committees in consultation with the administration. Senator Edward M. Kennedy, chairman of the Senate Judiciary Committee, sponsored the Senate bill, S. 643, which was introduced on March 13, 1979. The House companion measure H.R. 2816 was introduced by Judiciary Committee Chairman Peter W. Rodino, Jr., and Representative Elizabeth Holtzman, chairwoman of the committee's Subcommittee on Immigration, Refugees, and International Law. The bills were referred to the Judiciary Committee in each House.

A. *Senate action*

The full Senate Judiciary Committee conducted a hearing on the Refugee Act on March 14, 1979. S. 643 was amended in a markup on July 10, was approved unanimously, and was ordered favorably reported. Amendments included an expansion of the definition of refugee to include displaced persons; a specification of the consultation process with Congress; new statutory provision relating to asylum; special project funding for resettlement; a discontinuation of the Cuban program phasedown; and a requirement that research and evaluation be conducted on federally assisted refugee resettlement programs. The Judiciary Committee submitted the report on S. 643 to the Senate on July 23, 1979 (S. Rept. 96–256).

S. 643, as amended by the Judiciary Committee, was debated in the Senate on September 6, 1979. Senator Walter Huddleston was the only discernable opponent of the committee-reported bill. He offered a block of amendments which were unopposed by the committee sponsors of S. 643 and the administration, and were subsequently agreed to by the Senate. These amendments sunsetted the normal flow of 50,000 refugees after fiscal year 1982; required congressional hearings and reports as part of the consultation process; and required any excess numbers of refugees annually to be of "special responsibility" to the United States.

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[79] Chiles, Lawton. Remarks in the Senate. Congressional Record, Daily Edition, v. 125, Sept. 6, 1979, p. 12026.

[80] Butler, Caldwell. Remarks in the House. Congressional Record, Daily Edition, v. 126, Mar. 4, 1980, p. H 1520.

The Senate also agreed to two major amendments in the area of resettlement assistance. One, offered by Senators Alan Cranston and S. I. Hayakawa of California, provided a 1-year transition period before limits on Federal resettlement assistance would take effect. The other, offered by Senator Lawton Chiles of Florida, continued the phasedown of the Cuban refugee program.

The Senate passed S. 643, as amended, unanimously on September 6, 1979.

B. House action

The House Judiciary Committee's Subcommittee on Immigration, Refugees and International Law conducted several days of hearings on H.R. 2816 in May 1979. During the course of the subcommittee's markup of the bill on August 1, the chairwoman, Representative Elizabeth Holtzman, introduced an amendment in the nature of a substitute to H.R. 2816.

Although there were a number of significant changes in the administration bill proposed by Representative Holtzman, the major feature of her substitute legislation was its new provisions authorizing assistance for refugee resettlement. Title III of the bill added a new title IV to the Immigration and Nationality Act creating an office within the Department of Health, Education, and Welfare to fund and administer Federal domestic refugee assistance programs. The Holtzman substitute also required States to submit plans for refugee resettlement in order to receive assistance.

The Holtzman amendment to H.R. 2816 was amended by the subcommittee, but its major provisions were retained. The subcommittee approved the substitute version of the legislation, and favorably reported H.R. 2816 to the full committee.

The House Judiciary Committee held 2 days of markup on the Holtzman substitute for H.R. 2816. Although a number of amendments intended to limit the admissions provisions were offered, most were rejected. One significant amendment that was agreed to limit the use of the Attorney General's parole authority for the purpose of admitting refugees into the United States.

There were also a number of amendments to the assistance provisions that were offered, including one which would have replaced Ms. Holtzman's title III language with that of the original administration bill. All of the major assistance amendments were defeated.

The Judiciary Committee approved H.R. 2816, as amended, on September 19, 1979, but the committee report was not submitted to the House until November 9, 1979. The delay was apparently due, in part, to controversy over the sequential referral of certain portions of the bill to the House Committee on Foreign Affairs. The committee chairman, Clement Zablocki, wrote Judiciary Committee Chairman Peter

Rodino relinquishing his committee's insistence on sequential referral for the sake of the expeditious consideration of the legislation by the House. However, Mr. Zablocki reserved for the future his committee's jurisdiction over aspects of refugee legislation, and wrote:

> Since the determination of the numbers and kinds of refugees to be admitted to the United States are issues involving U.S. foreign policy considerations, the Attorney General will necessarily have to consult with the Secretary of State on these matters. In addition, the Committee on Foreign Affairs will continue to exercise its jurisdiction with respect to refugee matters including the Office of the U.S. Coordinator for Refugee Affairs in the Department of State.[81]

In response to the Zablocki letter, Mr. Rodino stated:

> It is evident that the jurisdictional situation regarding refugee legislation is in need of clarification and I am hopeful that appropriate arrangements can be made in the future to resolve this difficult problem. In this regard, it should be noted that the Committee's elimination of proposed amendments to the Migration and Refugee Assistance Act of 1962 does not represent any cession of jurisdiction over that Act or expenditures which are made thereunder.[82]

Mr. Zablocki also indicated that Representative Dante Fascell, chairman of the Subcommittee on International Operations, would offer floor amendments on the following specific matters which were of concern to the Foreign Affairs Committee: (1) the definition of "refugee;" (2) the role of HEW's new office; and (3) the authorization for the Emergency Migration and Refugee Assistance Fund.[83]

The House debated the Refugee Act on December 13 and 20, 1979. While no strong opposition to the legislation, but a number of amendments were offered to the version of the bill that had been reported by the House Judiciary Committee.

Representative Dante Fascell, chairman of the House Subcommittee on International Operations, offered amendments on behalf of the Foreign Affairs Committee which had been agreed to by Ms. Holtzman, the floor manager of the legislation. These amendments were:

—an amended definition of "refugee" which required a Presidential designation of those aliens eligible to be refugees while still within their country of nationality;

—new language establishing the responsibility of the Secretary of State for refugee programs overseas;

—an increased authorization for the U.S. Emergency Migration and Refugee Assistance Fund from $25 million to $50 million.

Another amendment offered by Representative Fascell established a new title IV of H.R. 2816 authorizing reimbursement for social services provided asylum applicants who had submitted their applications prior to November 1, 1979. Although the amendment itself did not refer to the Haitian applicants, it was specifically aimed at providing assistance to South Florida for the costs incurred as a result of their influx.

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[81] House Report No. 96-608, p. 8.
[82] Ibid., p. 8-9.
[83] Ibid., p. 8.

There were two major amendments to the admissions provisions of the legislation. One reduced the normal flow number from 50,000 to 17,400 after fiscal year 1982. The other provided for a one-House veto of annual refugee admissions requested by the President in excess of the normal flow.

With regard to the assistance provisions, the House accepted an amendment by Representative George Danielson of California to increase to 2 years the transition period before limits on reimbursing cash and medical assistance took effect. The House defeated an attempt to replace the Holtzman assistance provisions with those in the original bill.

The House accepted Representative Holtzman's amendment moving the office responsible for coordinating refugee policy from the State Department to the Executive Office of the President and requiring that it be headed by a Director, appointed by the President.

The House passed H.R. 2816 on December 20, 1980, on a rollcall vote of 328 yeas to 47 nays. The passage was vacated, and the House passed S. 643, amended with the House-passed language of H.R. 2816.

C. Conference action

A conference committee met to resolve the differences between the House and Senate versions of S. 643 on February 19 and 20, 1980.

The major points of controversy between the House and Senate concerned the assistance provisions. The conferees agreed that after fiscal year 1982, the initial resettlement assistance would be administered by the new Office of Refugee Resettlement at HEW (now the Department of Health and Human Services), unless the President, after conducting a study of the most suitable agency, designates some other office.

The conferees reached a compromise regarding the period for reimbursement for cash and medical assistance. After a 1½-year transition period (i.e., an effective date of April 1, 1981) 100 percent reimbursement for all public assistance costs would be authorized for up to 3 years after the refugee's entry into the United States.

The Senate provision continuing the phasedown of the Cuban refugee program was adopted.

As far as the admissions provisions were concerned, the House-passed definition of refugee was agreed to. The conferees also agreed to have refugees enter the United States on a conditional basis as opposed to a permanent basis as proposed by the Senate. However, the period before adjustment of status was reduced from 2 years to only 1 year. The consultation process described in the House bill was adopted, but the conferees rejected the one-House veto provision. Finally, the limitation on the use of the parole authority to admit refugees was agreed to from the House bill, but the conferees included language that postponed the effective date of the limitation until 60 days after the enactment of the legislation.

The conferees reached a compromise on the question of policy coordination. They statutorily provided for a U.S. Coordinator for Refugee Affairs with the rank of Ambassador at Large, and set forth his duties and responsibilities. However, the location of his office was not prescribed. The conferees requested the President to review the question of the most appropriate location of the office and advise Congress within a year after the enactment of the legislation.

The conference report was submitted to the Senate on February 25, 1980 (S. Rept. 96–590), and agreed to by the Senate without controversy the next day.

In the House of Representatives, however, there was considerable debate over the agreements that had been made by the conferees. Particularly at issue was concession by the House on its position regarding the legislative veto of excess refugee admissions. The conference report was agreed to by the House on a rollcall vote of 207 yeas to 192 nays.

The Refugee Act of 1980 was signed into law by President Carter on March 17, 1980.[94]

III. SECTION-BY-SECTION SUMMARY OF THE REFUGEE ACT OF 1980

A. *Title I—Purpose*

1. *Section 101.* This title sets forth the congressional declaration of purpose for the Refugee Act. It establishes that it is the historic policy of the United States to respond to the needs of persecuted aliens through:

- providing assistance in asylum areas;
- promoting resettlement opportunities or voluntary repatriation;
- assisting in the transportation, processing and admission of refugees into this country as well as providing them with transitional assistance.

The Congress also declares that it is the policy of the United States to encourage other countries to provide refugee assistance and resettlement opportunities to the fullest extent possible.

The objectives of the Refugee Act are: (1) to provide permanent systematic procedures for the admission of refugees of special humanitarian concern into the United States; and (2) to provide comprehensive uniform provisions for the "effective resettlement and absorption" of refugees the United States admits.

B. *Title II—Admission of refugees*

1. Section 201(a)

Definition.—Part (a) of section 201 of the Refugee Act amends section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)) with a new paragraph (42), defining "refugee." A refugee is:

- a person outside his/her country of nationality, or if he/she has no country of nationality the country in which he/she last habitually resided, who is persecuted or has a well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group or political opinion; or,
- in such special circumstances as the President may specify after consultation with Congress, a person who is within his/her country of nationality, or if he/she has no country of nationality the country in which he/she last habitually resided, who is persecuted or fears persecution on the grounds of race, religion, nationality, membership in a particular social group or political opinion.

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[94] Public Law 96–212, 94 Stat. 102.

Persons who in any way participated in the persecution of others are excluded from the definition of refugee.

2. Section 201(b)

Admission.—Part (b) of section 201 of the Refugee Act adds new sections 207 through 209 to the Immigration and Nationality Act (8 U.S.C. 1157 et seq.) which establish the procedures for the annual admission of refugees, and their admission in emergencies; the procedure under which aliens may apply for asylum; and the provisions for adjustment of status of refugees and asylees.

The new section 207 of the Immigration and Nationality Act authorizes 50,000 regular refugee admissions annually, for fiscal years 1980 through 1982. A number of admissions in excess of this amount may be designated by the President, after "appropriate consultation" (see below) with Congress, if justified by humanitarian concerns or otherwise in the national interest. After fiscal year 1982, the President is authorized to designate the most appropriate number of refugee admissions annually, after consultation with Congress. In any case, the President determines the allocation of admissions among refugee groups of special humanitarian concern to the United States, after consultation with Congress. (Sec. 207(a))

If an emergency refugee situation exists, and the admission of an additional number of refugees is justified by grave humanitarian concerns and cannot be accomplished under the regular annual numerical limit, the President, after consultation with Congress, may establish an additional number of refugees of grave humanitarian concern to be admitted into the United States during the succeeding 12-month period. (Sec. 207(b))

Once the numerical limits are established, refugees may be admitted into the United States if they are not firmly resettled in any foreign country, determined to be of special humanitarian concern to the United States and admissible as immigrants. Refugees are exempted from the Immigration and Nationality Act's exclusion provisions relating to labor certification, public-charge, documentary requirements, literacy, and foreign medical graduate eligibility requirements. The Attorney General may waive, on an individual basis, some of the other bases for exclusion for humanitarian reasons, to assure family unity, or for other reasons in the public interest.

Grounds for exclusion that are not waivable are: section 212(a)(27), providing for the exclusion of aliens seeking to enter the United States to engage in activities prejudicial to the public interest or safety; section 212(a)(29) providing for the exclusion of aliens likely to engage in subversive activities after entry; section 212(a)(33) providing for the exclusion of Nazi war criminals; and section 212(a)(23) providing for the exclusion of aliens convicted of illicit possession of or trafficking in narcotic drugs or marihuana, insofar as the exclusion relates to trafficking in narcotics.

Spouses or children of refugees accompanying the refugee, or following to join the refugee, are generally accorded the same refugee status, and are charged against the numerical limitation against which the refugee's admission was charged.

A refugee's status may be terminated if the Attorney General determines that he or she was not a refugee at the time of admission into the United States. (Sec. 207(c))

Consultation.—Before the beginning of the fiscal year, the President is required to report to the House and Senate Judiciary Committees regarding anticipated refugee admissions and allocations among refugee groups. The President's representatives are required to keep the committees periodically apprised of any changes in the refugee situation or necessary adjustments to the allocations.

The substance of consultations between the executive branch and Congress regarding admissions in excess of 50,000 and admissions in emergency situations must be printed in the Congressional Record. A hearing must be held by the Judiciary Committees on proposed excess admissions and, to the extent that time and the situation permit, on emergency admissions unless the public disclosure of information would jeopardize lives or the safety of individuals.

For the purposes of allocations and admissions, "appropriate consultation" means,

> * * * discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest * * *. (Sec. 207(e).)

As part of the consultation process, the President's representatives must supply a description of the refugee situation; the number and allocation of refugees to be admitted and analysis of conditions in their countries; a description of the refugees' proposed movement and resettlement and its cost; an analysis of the anticipated social, economic, and demographic impact of the refugees in the United States; a description of the extent to which other countries will admit and assist in the resettlement of the refugees; an analysis of the impact of the U.S. refugee resettlement efforts on our foreign policy interests; and, any other appropriate information as may be requested by the members of the committees. The above-mentioned information is to be supplied at least 2 weeks in advance of the in-person discussions in the consultation process. (Sec. 207(d).)

Asylum.—The new section 208 of the Immigration and Nationality Act requires the Attorney General to establish a procedure for asylum. The Attorney General may grant asylum to an alien physically present in the United States, or at a land border or port of entry, irrespective of the alien's immigration status, if the alien applies for asylum and the Attorney General determines that the alien meets the definition of refugee. Once granted, asylum may be terminated if conditions in the alien's country of nationality, or the country in which he last habitually resided, change and the alien no longer meets the definition of refugee. Spouses and children accompanying the alien, or following to join the alien, may be granted asylum even if they would not otherwise qualify.

Adjustment of status.—Section 209 of the Immigration and Nationality Act as amended by the Refugee Act contains provisions for the adjustment of status of refugees and asylees.

After 1 year's physical presence in the United States, a refugee's status may be adjusted to that of permanent resident alien without regard to numerical limitations. The permanent resident alien status is retroactive to the date of the refugee's entry into the United States.

Asylees may apply for adjustment of status to that of permanent resident alien after being present in the United States for at least a year after having been granted asylum. Up to 5,000 refugee admissions may be used annually for the adjustment of status of asylees. The recorded date of the adjustment of status for the asylee is 1 year prior to the approval of the application.

Refugees and asylees seeking adjustment of status are exempted from the same exclusion provisions as refugees entering the United States. There is also provision for the waiver of other exclusions except as specified.

3. Section 202

Section 202 of the Refugee Act amends section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) exempting aliens admitted as refugees under section 207 of the act from being required to have visas, unexpired passport or other document as required by the Attorney General for aliens entering the United States under most circumstances.

4. Section 203

Part (a) of section 203 of the Refugee Act amends section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) to set the annual immigration ceiling at 270,000. Visas issued during the first three-quarters of any fiscal year may not exceed 72,000.

Repeal of the conditional entry provision.—Part (b) of section 203 of the Refugee Act amends section 202 of Immigration and Nationality Act (8 U.S.C. 1152) to conform with the repeal of the conditional entry provision.

Part (c) of section 203 of the Refugee Act amends section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) repealing the conditional entry provision. The amendment also increases to 26 percent the proportion of visas issued under section 203(a)(2) to spouses and sons and daughters of permanent resident aliens.

Part (d) of section 203 of the Refugee Act provides amendments to certain sections of the Immigration and Nationality Act to conform with the repeal of the conditional entry provision.

Withholding of deportation.—Part (e) of section 203 of the Refugee Act is new language for section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253), relating to withholding of deportation. The Attorney General cannot deport any alien to a country in which the alien's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group or political opinion. One exception is a Nazi war criminal as described in section 241(a)(19) of the act. Other aliens excepted from the provision are those who: (1) have participated in the persecution of others; (2) have been convicted of a serious crime, therefore constituting a danger to the United States; (3) have committed a serious nonpolitical crime before coming to the United States; (4) are a danger to the security of the United States.

Part (f) of section 203 of the Refugee Act amends the Attorney General's parole authority set forth in section 212(d)(5) of the Immigration and Nationality Act. It limits the use of parole to bring refugees into this country unless the Attorney General determines that "compelling reasons in the public interest" require the use of the parole rather than admission of the alien as a refugee.

Part (g) of section 203 of the Refugee Act amends section 5 of Public Law 95-412 (8 U.S.C. 1182 note). It provides retroactive adjustment of status for refugees not otherwise eligible who were paroled into the United States before April 1, 1980. Such adjustment of status would be pursuant to the terms of sections 203 (g) and (h) of the Immigration and Nationality Act which provides for the adjustment of status of conditional entrants.

Deeming provision.—Part (h) of section 203 of the Refugee Act deems any reference in law to the conditional entry provision (section 203(a)(7) of the Immigration and Nationality Act before the enactment of the Refugee Act) in effect on April 1, 1980, to be a reference to the conditional entry provision before that date and to section 207 (the admission of refugees) and section 208 (asylum) of the Immigration and Nationality Act as amended by the Refugee Act.

Amendments to provisions of law relating to adjustment of status.—Part (i) of section 203 of the Refugee Act amends section 203(g) of the Immigration and Nationality Act (8 U.S.C. 1153(g)), relating to the adjustment of status of conditional entrants, section 101(a)(3) of Public Law 95-145, relating to the adjustment of status of Indochinese refugees, and the first section of Public Law 89-732, relating to the adjustment of status for Cuban nationals "inspected, admitted or paroled" into the United States. In each case, the amendment reduces from 2 years to 1 year the period required for the alien's presence in the United States prior to inspection for adjustment of status.

5. Section 204

Effective dates.—Section 204 of the Refugee Act sets forth the effective dates of the various provisions of title II.

Part (a) of section 204 states that with exceptions, title II provisions take effect upon the enactment of the Refugee Act (March 17, 1980).

Part (b) provides that refugee admissions provisions of section 207(c) of the Immigration and Nationality Act as amended by the Refugee Act, as well as the repeal of the conditional entry provision and its conforming amendments take effect April 1, 1980. The reduction in the U.S. residency period required prior to adjustment of status under section 203(i) also takes effect this date.

The limitation on the use of the parole authority to admit aliens under section 203(f) of the Refugee Act was to take effect 60 days after the enactment of the legislation.

Certain adjustments are made by section 204(b) for purposes of transition, as follows:

- For fiscal year 1980, the "normal flow" number of admissions is 25,000 with 2,500 of the annual admissions being made available for the adjustment of status of asylees.
- The worldwide immigration ceiling for fiscal year 1980 is 280,000.

—Conditional entries or adjustments of status under sections 203(a)(7) or 202(e)(7) of the Immigration and Nationality Act between September 30, 1979, and April 1, 1980, are to be counted against the allotments for the second immigrant preference categories, sections 203(a)(2) and 202(e)(7) respectively.

Part (c) of section 204 states that the repeal of sections 203 (g) and (h) providing adjustment of status for conditional entrants does not apply to those aliens who entered under the conditional entry provision before April 1, 1980, or aliens paroled into the United States before that date who are eligible to have their status adjusted under Public Law 95-412.

Aliens who established a registration date through entitlement to conditional entry before April 1, 1980, are deemed entitled to refugee status and accorded the same registration date previously established.

Conditional entrants and parolees who are seeking adjustment of status are exempted from the exclusion provisions from which refugees are exempted under the terms of the Refugee Act. There is also provision for the waiver of other exclusions except as specified.

Part (d) of section 204 requires the President to make any determination of excess numbers of refugees admissions that may be necessary for fiscal year 1980 within 45 days of the enactment of the Refugee Act. The Attorney General is required to establish the asylum procedure no later than June 1, 1980.

Part (e) of section 204 deems any reference in the legislation to the Secretary of Education, the Secretary of Health and Human Services or the Department of Health and Human Services reference to the Secretary of Health, Education, and Welfare or to the Department of Health, Education and Welfare, respectively, prior to the enactment of the Department of Education Organization Act.

C. Title III—United States Coordinator for Refugee Affairs and Assistance for Effective Resettlement of Refugees in the United States

PART A—U.S. COORDINATOR FOR REFUGEE AFFAIRS

1. Section 301

Part A, section 301 of the Refugee Act creates a U.S. Coordinator for Refugee Affairs, and establishes the responsibilities of the office. This part is not an amendment to the Immigration and Nationality Act.

The U.S. Coordinator for Refugee Affairs, with the rank of Ambassador at Large, is appointed by the President with the advice and consent of the Senate.

The Coordinator is directly responsible to the President for:

—overall refugee policy;
—refugee budget strategy;
—the presentation to Congress of refugee policy and the relationship of individual program budgets to that policy;
—advising the President and relevant Cabinet members on refugee admissions and resettlement questions as a function of overall refugee policy;

- —under the direction of the Secretary of State, representing or negotiating for the United States with foreign governments or international organizations regarding refugee matters;
- —acting as the Federal liaison with States and local governments and voluntary agencies regarding U.S. refugee policy;
- —recommending to the President and Congress policies, objectives and priorities regarding refugee admissions and resettlements;
- —reviewing regulations, guidelines and related actions of Federal agencies concerning refugee admissions and resettlement.

The Coordinator is required to consult with State and local governments and private nonprofit voluntary agencies concerning sponsorship and the distribution or refugees in the United States. The Secretary of Labor and the Secretary of Education are required to report to the Coordinator on the efforts of their departments to increase refugee access to the programs for which they are responsible.

PART B—ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

2. Section 311

Title III, part B of the Refugee Act authorizes assistance for the resettlement of refugees in the United States. Section 311 amends the Immigration and Nationality Act by adding a new title IV entitled "Miscellaneous and Refugee Assistance" (sections 411–414).

Office of Refugee Resettlement.—Section 411 of the Immigration and Nationality Act as amended by the Refugee Act, establishes an Office of Refugee Resettlement within the Department of Health and Human Services (HHS). The Office is headed by a Director, appointed by the Secretary of HHS. The function of the Office is to fund and administer the resettlement programs authorized by title IV of the Immigration and Nationality Act.

Section 412 of the Immigration and Nationality Act, as amended by the Refugee Act, authorizes resettlement assistance.

Duties of the Director of the Office of Refugee Resettlement.—Part (a) of section 412 requires the Director to provide resources for employment training and placement; to provide refugees with English language training; to insure that any cash assistance made available to refugees not discourage their economic self-sufficiency; and to insure that women have opportunities equal to men to participate in training and instruction.

The Director, with the U.S. Coordinator, is required to consult with State, local and voluntary agencies regarding sponsorship and the distribution of refugees in the United States.

The Director is periodically to assess the domestic resettlement needs of refugees and allocate resources accordingly.

Grants and contracts may only be made upon appropriate application. Payments may be made in advance or by reimbursement. Administering officials are authorized to make loans, and accept gifts or grants to carry out the purpose of the section. There is a nondiscrimination provision regarding assistance and services funded under the section.

State plans.—States must submit plans as a condition for receiving assistance under the section to include certain elements as described in the legislation. The States also, as a condition for receiving assistance, must meet certain standards, goals or priorities for refugee resettlement developed by the Director of the Office of Refugee Resettlement. States must report annually to the Director on the uses of resettlement assistance which the State is responsible for administering.

The Secretary of HHS and the Secretary of State (for initial resettlement grants) are required to develop a system to monitor assistance provided under the legislation to include evaluations, financial auditing and data collection.

The Attorney General is to provide the Director of the Office with information supplied by refugees in the course of their application for adjustment of status so that it can be summarized and evaluated.

The Secretary of HHS and, as appropriate, the Secretary of State may issue regulations to carry out the resettlement assistance programs authorized by the legislation.

For the purpose of the assistance provisions, the term "refugee" includes spouses and children accompanying a refugee or following to join the refugee admitted under section 207 of the Immigration and Nationality Act.

Initial resettlement.—Part (b) of section 412 authorizes the program of initial resettlement. It is administered by the Secretary of State through fiscal year 1981 and by the Director of the Office of Refugee Resettlement thereafter. Under the program, grants are made to and contracts with public or nonprofit private agencies for the initial reception of refugees and their placement with sponsors.

The President is required to study the issue of which agency is best able to administer the initial resettlement program and report to Congress by March 1, 1981. If the President determines that the Office of Refugee Resettlement is not the most appropriate office to administer the program, the President may designate some other administering agency.

Part (b) also authorizes the Secretary of HHS to establish refugee processing centers if necessary.

Part (b) requires the Secretary of HHS to assure that refugees have appropriate medical screening and care as specified in the legislation.

Special projects.—Part (c) of section 412 authorizes the Director of the Office of Refugee Resettlement to make grants to or contracts with public or nonprofit private agencies for special refugee projects as follows:

—projects to promote economic self-sufficiency including job training, employment services, day care, professional refresher training and recertification; English language training; and

—projects in areas where specific needs have been identified by the Director of the Office such as health services, social services, or educational services.

Assistance for refugee children.—Part (d) of section 412 authorizes assistance for refugee children. The Director may fund projects to provide special education services to refugee children in elementary and secondary schools. The legislation also authorizes the Director to provide assistance for child welfare services, including foster care maintenance payments and services, and health care furnished the refugee child for his first 36 months in the United States. If the child is unaccompanied by a parent or close relative, such services may be provided until the child is 18, or older if the State's plan under title IV B (aid to families with dependent children) of the Social Security Act so prescribes.

Unaccompanied children.—Part (d) requires the Director to arrange for the placement of unaccompanied children according to the laws of the States as soon as possible after they have been accepted for admission. Until such placement, the Director of the Office of Refugee Resettlement is legally responsible for the unaccompanied child and is authorized to make provision for the child's immediate care. The Director may contract with public or nonprofit private agencies to carry out his responsibilities for unaccompanied children. He must maintain a list of unaccompanied refugee children who entered the United States after April 1, 1975, the names and last known location of their parents, and the children's current location, status and progress.

Cash and medical assistance.—Part (e) of section 412 authorizes the Director of the Office of Refugee Resettlement to reimburse States, public or nonprofit private agencies for cash and medical assistance provided a refugee for up to the first 36 months after the refugee entered the United States. Cash assistance to an employable refugee is contingent upon the refugee's registration for and willingness to accept employment after the first 60 days of his or her residence in the United States. The Director is required to develop plans to provide English language training and other appropriate services for refugees receiving cash assistance.

If a refugee is otherwise eligible for aid to families with dependent children (AFDC), medicaid, or supplemental security income (SSI) (including any State supplementary payments), reimbursement under part (e) will only be for the non-Federal share of the assistance.

Also, part (e) authorizes the Director to provide medical assistance for needy refugees who do not otherwise qualify for medicaid for up to the first year after their entry into the United States. Such assistance may be provided only if it would encourage economic self-sufficiency, ease a burden to State and local governments, and if the refugee meets income requirements established by the Director.

Reports to Congress.—Section 413 of the Immigration and Nationality Act, as amended by the Refugee Act, requires the Secretary of HHS to submit certain reports to Congress.

Each year prior to January 31, the Secretary, in consultation with the U.S. Coordinator, must report to the Judiciary Committees of the Senate and House on resettlement assistance activities during the prior fiscal year beginning with fiscal year 1980. The report must contain certain specific information as set forth in the legislation.

Section 413 also requires a report by the Secretary of HHS, in consultation with the U.S. Coordinator, within a year after the enactment of the Refugee Act which analyzes the resettlement systems of other countries and possible alternative resettlement assistance strategies for the United States.

Authorizations.—Section 414 of the Immigration and Nationality Act, as amended by the Refugee Act, authorizes appropriations for refugee resettlement assistance. For fiscal years 1980, 1981, and 1982, "such sums as may be necessary" are authorized for the purposes of: (1) initial resettlement grants and contracts (section 412(b)(1)); (2) temporary care of refugees in the United States in emergency situations including processing centers (section 412(b)(3)); medical screening and care (section 412(b)(4)); child welfare services including assistance for unaccompanied children (section 412(d)(2)); and cash and medical assistance to refugees (section 412(e)). All other activities are authorized $200 million annually for 3 years fiscal year 1980 through fiscal year 1982.

3. Section 312

Part (a) of section 312 of the Refugee Act amends the table of contents of the Immigration and Nationality Act to conform to the changes made in title IV of the Act.

Amendments to the Migration and Refugee Assistance Act.—Part (b) of section 312 amends the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by striking its provisions which had authorized the Cuban refugee program and by providing new language for the authorization for contributions to international organizations for assistance to refugees, and for assistance to refugees outside the United States. The annual authorization for the U.S. Emergency Migration and Refugee Assistance Funds is increased to $50 million from $25 million under the amendments.

Repeal of the Indochina Migration and Refugee Assistance Act.—Part (c) of section 312 repeals the Indochina Migration and Refugee Assistance Act.

4. Section 313

Effective dates.—Section 313 of the Refugee Act establishes the effective dates for the resettlement assistance provisions. Except as otherwise provided the effective date is fiscal year 1980.

The 3-year limitation on child welfare services, cash and medical assistance takes effect April 1, 1981.

Phasedown of the Cuban refugee program.—The phasedown of the Cuban refugee program authorized by section 2(b) of the Migration and Refugee Assistance Act continues for those Cuban refugees receiving assistance prior to October 1, 1978, at the following phasedown rates:

Fiscal year:	Percent
1980	75
1981	60
1982	45
1983	25

The only exception to the phasedown is that the Federal Government will continue to provide 100 percent reimbursement for the non-Federal costs associated with supplemental security income payments for Cuban refugees who were receiving this assistance as of September 30, 1978.

Resettlement plan.—The requirement for States to submit resettlement plans in anticipation of receiving assistance under the legislation is first applicable to fiscal year 1981 assistance.

D. Title IV—Social Services for Certain Applicants for Asylum

1. Section 401

Section 401 of the Refugee Act authorizes the Director of the Office of Refugee Resettlement to use funds appropriated for refugee assistance under title III of the Refugee Act to reimburse State and local public agencies for expenses incurred as a result of providing services to applicants for asylum. Reimbursement is for the types of activities which received reimbursement under the Cuban refugee program set forth in the Migration and Refugee Assistance Act. Assistance is limited to those aliens who applied for asylum prior to November 1, 1979, who have not been granted asylum, and for whom a final order of deportation or exclusion has not been issued.

Section 401 authorizes the Attorney General to issue work permits to the applicants for asylum for which the assistance is authorized.

APPENDIX I.

PUBLIC LAW 96-212—MAR. 17, 1980

REFUGEE ACT OF 1980

Public Law 96-212
96th Congress

An Act

Mar. 17, 1980
[S. 643]

To amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

Refugee Act of 1980.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Refugee Act of 1980".

TITLE I—PURPOSE

8 USC 1521 note.

Sec. 101. (a) The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas, efforts to promote opportunities for resettlement or voluntary repatriation, aid for necessary transportation and processing, admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States. The Congress further declares that it is the policy of the United States to encourage all nations to provide assistance and resettlement opportunities to refugees to the fullest extent possible.

(b) The objectives of this Act are to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

TITLE II—ADMISSION OF REFUGEES

Sec. 201. (a) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding after paragraph (41) the following new paragraph:

"Refugee."

"(42) The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on

Post, p. 103.

account of race, religion, nationality, membership in a particular social group, or political opinion.".

(b) Chapter 1 of title II of such Act is amended by adding after section 206 (8 U.S.C. 1156) the following new sections:

"ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES

Entry, numerical limitations. 8 USC 1157.

"SEC. 207. (a)(1) Except as provided in subsection (b), the number of refugees who may be admitted under this section in fiscal year 1980, 1981, or 1982, may not exceed fifty thousand unless the President determines, before the beginning of the fiscal year and after appropriate consultation (as defined in subsection (e)), that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns or is otherwise in the national interest.

"(2) Except as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

"(3) Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

Emergency conditions.

"(b) If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns or is otherwise in the national interest, and (3) the admission to the United States of these refugees cannot be accomplished under subsection (a), the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

Attorney General's authority.

"(c)(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwide provided under paragraph (3)) as an immigrant under this Act.

Spouse or child, admission status. 8 USC 1101. *Ante*, p. 102.

"(2) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under paragraph (1) and if not a person described in the second sentence of section 101(a)(42), be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act. Upon the spouse's or child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

Waiver
8 USC 1182.

"(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

Report to
Congress.

"(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 101(a)(42) at the time of the alien's admission.

Ante, p. 102.
Report to
congressional
committees.

"(d)(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such committees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustments in the allocation of admissions among refugees.

Consultation,
publication in
Congressional
Record.

"(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to the number of refugee admissions under subsection (a) or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b), the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

Proposed
determination,
review hearing.

"(3)(A) After the President initiates appropriate consultation prior to making a determination under subsection (a), a hearing to review the proposed determination shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b), that the number of refugee admissions should be increased because of an unforeseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"Appropriate
consultation."

"(e) For purposes of this section, the term 'appropriate consultation' means, with respect to the admission of refugees and allocation of refugee admissions, discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest, and to provide such members with the following information:

"(1) A description of the nature of the refugee situation.

"(2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came.

"(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

"(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

"(5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees.

"(6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States.

"(7) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this subsection shall be provided at least two weeks in advance of discussions in person by designated representatives of the President with such members.

"ASYLUM PROCEDURE

8 USC 1158.

"SEC. 208. (a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

Ante, p. 102.

Termination.

"(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided.

Spouse or child, status.
8 USC 1101.

"(c) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.

"ADJUSTMENT OF STATUS OF REFUGEES

8 USC 1159.
Ante, p. 103.

"SEC. 209. (a)(1) Any alien who has been admitted to the United States under section 207—

"(A) whose admission has not been terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe,

"(B) who has been physically present in the United States for at least one year, and

"(C) who has not acquired permanent resident status,

shall, at the end of such year period, return or be returned to the custody of the Service for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 235, 236, and 237.

8 USC 1225, 1226, 1227.

Permanent residence, admission conditions

"(2) Any alien who is found upon inspection and examination by an immigration officer pursuant to paragraph (1) or after a hearing before a special inquiry officer to be admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of the alien's inspection and examination shall, notwithstanding any numerical limitation specified in this Act, be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's arrival into the United States.

Ante, p. 103.

"(b) Not more than five thousand of the refugee admissions authorized under section 207(a) in any fiscal year may be made available by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—

"(1) applies for such adjustment,

"(2) has been physically present in the United States for at least one year after being granted asylum,

"(3) continues to be a refugee within the meaning of section 101(a)(42)(A) or a spouse or child of such a refugee,

"(4) is not firmly resettled in any foreign country, and

"(5) is admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

Alien's admission record.

Upon approval of an application under this subsection, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date one year before the date of the approval of the application.

8 USC 1182.

"(c) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.".

(c) The table of contents of such Act is amended by inserting after the item relating to section 206 the following new items:

"Sec. 207. Annual admission of refugees and admission of emergency situation refugees.
"Sec. 208. Asylum procedure.
"Sec. 209. Adjustment of status of refugees.".

Sec. 202. Section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) is amended—

(1) by inserting "and subsection (c)" in subsection (a) after "Except as provided in subsection (b)"; and

(2) by adding at the end thereof the following new subsection:

"(c) The provisions of subsection (a) shall not apply to an alien whom the Attorney General admits to the United States under section 207.".

Sec. 203. (a) Subsection (a) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

8 USC 1101.

Ante, p. 105.

"(a) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-two thousand and shall not in any fiscal year exceed two hundred and seventy thousand.".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in subsection (a);

(2) by striking out "(8)" in subsection (a) and inserting in lieu thereof "(7)";

(3) by striking out "or conditional entries" and "and conditional entries" in subsection (e);

(4) by striking out "20 per centum" in subsection (e)(2) and inserting in lieu thereof "26 per centum";

(5) by striking out paragraph (7) of subsection (e);

(6) by striking out "(7)" in paragraph (8) of subsection (e) and inserting in lieu thereof "(6)"; and

(7) by redesignating paragraph (8) of subsection (e) as paragraph (7).

(c) Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional entry authorized, as the case may be," in subsection (a);

(2) by striking out "20 per centum" in subsection (a)(2) and inserting in lieu thereof "26 per centum";

(3) by striking out paragraph (7) of subsection (a);

(4) by striking out "and less the number of conditional entries and visas available pursuant to paragraph (7)" in subsection (a)(8);

(5) by striking out "or to conditional entry under paragraphs (1) through (8)" in subsection (a)(9) and inserting in lieu thereof "under paragraphs (1) through (7)";

(6) by redesignating paragraphs (8) and (9) of subsection (a) as paragraphs (7) and (8), respectively;

(7) by striking out "(7)" in subsection (d) and inserting in lieu thereof "(6)"; and

(8) by striking out subsections (f), (g), and (h).

(d) Sections 212(a)(14), 212(a)(32), and 244(d) of such Act (8 U.S.C. 1182(a)(14), 1182(a)(32), 1254(d)) are each amended by striking out "section 203(a)(8)" and inserting in lieu thereof "section 203(a)(7)".

(e) Subsection (h) of section 24[illegible] of such Act (8 U.S.C. 1253) is amended to read as follows:

"(h)(1) The Attorney General shall not deport or return any alien (other than an alien described in section [illegible]41(a)(19)) to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

Deportation.
8 USC 1251.

"(2) Paragraph (1) shall not apply to any alien if the Attorney General determines that—

"(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States; or

"(D) there are reasonable grounds for regarding the alien as a danger to the security of the United States.".

(f) Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by inserting "(A)" after "(5)";

(2) by inserting ", except as provided in subparagraph (B)," after "Attorney General may"; and

(3) by adding at the end thereof the following new subparagraph:

Parole into United States.

"(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.".

Ante, p. 103.

(g) Section 5 of Public Law 95-412 (8 U.S.C. 1182 note) is amended by striking out "September 30, 1980" and inserting in lieu thereof "April 1, 1980".

8 USC 1153 note.
8 USC 1101 note.
8 USC 1153.

(h) Any reference in any law (other than the Immigration and Nationality Act or this Act) in effect on April 1, 1980, to section 203(a)(7) of the Immigration and Nationality Act shall be deemed to be a reference to such section as in effect before such date and to sections 207 and 208 of the Immigration and Nationality Act.

Ante, p. 105.

8 USC 1255 note.

(i) Section 203(g) of such Act (8 U.S.C. 1153(g)), section 101(a)(3) of Public Law 95-145, and the first section of Public Law 89-732 are each amended by striking out "two years" and inserting in lieu thereof "one year".

Effective date.
8 USC 1101 note.

SEC. 204. (a) Except as provided in subsections (b) and (c), this title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to fiscal years beginning with the fiscal year beginning October 1, 1979.

Ante, p. 103.
Ante, p. 106.

(b)(1)(A) Section 207(c) of the Immigration and Nationality Act (as added by section 201(b) of this Act) and the amendments made by subsections (b), (c), and (d) of section 203 of this Act shall take effect on April 1, 1980.

(B) The amendments made by section 203(f) shall apply to aliens paroled into the United States on or after the sixtieth day after the date of the enactment of this Act.

(C) The amendments made by section 203(i) shall take effect immediately before April 1, 1980.

Ante, p. 105.

(2) Notwithstanding sections 207(a) and 209(b) of the Immigration and Nationality Act (as added by section 201(b) of this Act), the fifty thousand and five thousand numerical limitations specified in such respective sections shall, for fiscal year 1980, be equal to 25,000 and 2,500, respectively.

(3) Notwithstanding any other provision of law, for fiscal year 1980—

8 USC 1151.

(A) the fiscal year numerical limitation specified in section 201(a) of the Immigration and Nationality Act shall be equal to 280,000, and

8 USC 1153, 1152.

(B) for the purpose of determining the number of immigrant visas and adjustments of status which may be made available under sections 203(a)(2) and 202(e)(2) of such Act, the granting of a conditional entry or adjustment of status under section 203(a)(7) or 202(e)(7) of such Act after September 30, 1979, and before April 1, 1980, shall be considered to be the granting of an immigrant visa under section 203(a)(2) or 202(e)(2), respectively, of such Act during such period.

Conditional entrant status.
Ante, p. 107.

(c)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) of this title, shall not apply with respect to any individual who before April 1, 1980, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such

Act, if applicable), as in effect immediately before such date, and it shall not apply to any alien paroled into the United States before April 1, 1980, who is eligible for the benefits of section 5 of Public Law 96-412.

8 USC 1182 note.

Registration date.

8 USC 1153.

Ante, p. 103.

(2) An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date), shall be deemed to be entitled to refugee status under section 207 of such Act (as added by section 201(b) of this title) and shall be accorded the date of registration previously established by that alien. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

Waiver.

8 USC 1182.

(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not be applicable to any alien who has entered the United States before April 1, 1980, pursuant to section 203(a)(7) of such Act or who has been paroled as a refugee into the United States under section 212(d)(5) of such Act, and who is seeking adjustment of status, and the Attorney General may waive any other provision of section 212(a) of such Act (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

Determination, deadline.

8 USC 1157 note.

(d)(1) Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title), the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act for fiscal year 1980.

Asylum procedure, deadline.

8 USC 1158 note.

Ante, p. 105.

8 USC 1521 note.

(2) The Attorney General shall establish the asylum procedure referred to in section 208(a) of the Immigration and Nationality Act (as added by section 201(b) of this title) not later than Ju[illegible], 1980.

(e) Any reference in this Act or in chapter 2 of title [illegible] of the Immigration and Nationality Act to the Secretary of Education or the Secretary of Health and Human Services or to the Department of Health and Human Services shall be deemed, before the effective date of the Department of Education Organization Act, to be a reference to the Secretary of Health, Education, and Welfare or to the Department of Health, Education, and Welfare, respectively.

93 Stat. 668.

20 USC 3401 note.

TITLE III—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS AND ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

PART A—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS

Presidential appointment.

8 USC 1525.

SEC. 301. (a) The President shall appoint, by and with the advice and consent of the Senate, a United States Coordinator for Refugee Affairs (hereinafter in this part referred to as the "Coordinator"). The Coordinator shall have the rank of Ambassador-at-Large.

(b) The Coordinator shall be responsible to the President for—

(1) the development of overall United States refugee admission and resettlement policy;

(2) the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

(3) the design of an overall budget strategy to provide individual agencies with policy guidance on refugee matters in

the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests;

(4) the presentation to the Congress of the Administration's overall refugee policy and the relationship of individual agency refugee budgets to that overall policy;

(5) advising the President, Secretary of State, Attorney General, and the Secretary of Health and Human Services on the relationship of overall United States refugee policy to the admission of refugees to, and the resettlement of refugees in, the United States;

(6) under the direction of the Secretary of State, representation and negotiation on behalf of the United States with foreign governments and international organizations in discussions on refugee matters and, when appropriate, submitting refugee issues for inclusion in other international negotiations;

(7) development of an effective and responsive liaison between the Federal Government and voluntary organizations, Governors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States Government policy;

Recommendations to President and Congress.

(8) making recommendations to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States; and

(9) reviewing the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of functions relating to refugee admission and resettlement in the United States.

Consultation.

(c)(1) In the conduct of the Coordinator's duties, the Coordinator shall consult regularly with States, localities, and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees.

Reports to coordinator.

(2) The Secretary of Labor and the Secretary of Education shall provide the Coordinator with regular reports describing the efforts of their respective departments to increase refugee access to programs within their jurisdiction, and the Coordinator shall include information on such programs in reports submitted under section 413(a)(1) of the Immigration and Nationality Act. *Post*, p. 115.

PART B—ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

SEC. 311. (a) Title IV of the Immigration and Nationality Act is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS"; and

(2) by adding at the end thereof the following new chapter:

"CHAPTER 2—REFUGEE ASSISTANCE

"OFFICE OF REFUGEE RESETTLEMENT

Establishment.
8 USC 1521.

"SEC. 411. (a) There is established, within the Department of Health and Human Services, an office to be known as the Office of Refugee Resettlement (hereinafter in this chapter referred to as the 'Office'). The head of the Office shall be a Director (hereinafter in this chapter referred to as the 'Director'), to be appointed by the Secretary of Health and Human Services (hereinafter in this chapter referred to as the 'Secretary').

Director.

Functions.

"(b) The function of the Office and its Director is to fund and administer (directly or through arrangements with other Federal agencies), in consultation with and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the 'Coordinator'), programs of the Federal Government under this chapter.

"AUTHORIZATION FOR PROGRAMS FOR DOMESTIC RESETTLEMENT OF AND ASSISTANCE TO REFUGEES

8 USC 1522.

"SEC. 412. (a) CONDITIONS AND CONSIDERATIONS.—(1) In providing assistance under this section, the Director shall, to the extent of available appropriations, (A) make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible, (B) provide refugees with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible, (C) insure that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency, in accordance with subsection (e)(2), and (D) insure that women have the same opportunities as men to participate in training and instruction.

Consultation.

"(2) The Director, together with the Coordinator, shall consult regularly with State and local governments and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees among the States and localities.

Domestic assistance, periodic assessment.

"(3) In the provision of domestic assistance under this section, the Director shall make a periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services under this chapter and the resources available to meet such needs. In allocating resources, the Director shall avoid duplication of services and provide for maximum coordination between agencies providing related services.

Grants and contracts.

"(4) No grant or contract may be awarded under this section unless an appropriate proposal and application (including a description of the agency's ability to perform the services specified in the proposal) are submitted to, and approved by, the appropriate administering official. Grants and contracts under this section shall be made to those agencies which the appropriate administering official determines can best perform the services. Payments may be made for activities authorized under this chapter in advance or by way of reimbursement. In carrying out this section, the Director, the Secretary of State, and any such other appropriate administering official are authorized—

"(A) to make loans, and

"(B) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for the purpose of carrying out this section.

"(5) Assistance and services funded under this section shall be provided to refugees without regard to race, religion, nationality, sex, or political opinion.

Assistance, conditions.

"(6) As a condition for receiving assistance under this section, a State must—

"(A) submit to the Director a plan which provides—

"(i) a description of how the State intends to encourage effective refugee resettlement and to promote economic self-sufficiency as quickly as possible,

"(ii) a description of how the State will insure that language training and employment services are made available to refugees receiving cash assistance,

"(iii) for the designation of an individual, employed by the State, who will be responsible for insuring coordination of public and private resources in refugee resettlement,

"(iv) for the care and supervision of and legal responsibility for unaccompanied refugee children in the State, and

"(v) for the identification of refugees who at the time of resettlement in the State are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation and such monitoring of such treatment or observation as may be necessary;

"(B) meet standards, goals, and priorities, developed by the Director, which assure the effective resettlement of refugees and which promote their economic self-sufficiency as quickly as possible and the efficient provision of services; and

Report.

"(C) submit to the Director, within a reasonable period of time after the end of each fiscal year, a report on the uses of funds provided under this chapter which the State is responsible for administering.

Assistance monitoring system, development.

"(7) The Secretary, together with the Secretary of State with respect to assistance provided by the Secretary of State under subsection (b), shall develop a system of monitoring the assistance provided under this section. This system shall include—

"(A) evaluations of the effectiveness of the programs funded under this section and the performance of States, grantees, and contractors;

"(B) financial auditing and other appropriate monitoring to detect any fraud, abuse, or mismanagement in the operation of such programs; and

"(C) data collection on the services provided and the results achieved.

Application information.

"(8) The Attorney General shall provide the Director with information supplied by refugees in conjunction with their applications to the Attorney General for adjustment of status, and the Director shall compile, summarize, and evaluate such information.

"(9) The Secretary and the Secretary of State may issue such regulations as each deems appropriate to carry out this chapter.

"Refugee."
Ante, p. 103.

"(10) For purposes of this chapter, the term 'refugee' includes any alien described in section 207(c)(2).

Grants and contracts.

"(b) PROGRAM OF INITIAL RESETTLEMENT.—(1)(A) For—

"(i) fiscal years 1980 and 1981, the Secretary of State is authorized, and

(ii) fiscal year 1982 and succeeding fiscal years, the Director (except as provided in subparagraph (B)) is authorized, to make grants to, and contracts with, public or private nonprofit agencies for initial resettlement (including initial reception and placement with sponsors) of refugees in the United States. Grants to, or contracts with, private nonprofit voluntary agencies under this paragraph shall be made consistent with the objectives of this chapter, taking into account the different resettlement approaches and practices of such agencies. Resettlement assistance under this paragraph shall be provided in coordination with the Director's provision of other assistance under this chapter. The Secretary of State and the Director shall jointly monitor the assistance provided during fiscal years 1980 and 1981 under this paragraph.

Study, report to Congress.

"(B) The President shall provide for a study of which agency is best able to administer the program under this paragraph and shall report, not later than March 1, 1981, to the Congress on such study. If the President determines after such study that the Director should not administer the program under this paragraph, the authority of the Director under the first sentence of subparagraph (A) shall be exercised by such officer as the President shall from time to time specify.

Orientation, education, and job training programs.

"(2) The Director is authorized to develop programs for such orientation, instruction in English, and job training for refugees, and such other education and training of refugees, as facilitates their resettlement in the United States. The Director is authorized to implement such programs, in accordance with the provisions of this section, with respect to refugees in the United States. The Secretary of State is authorized to implement such programs with respect to refugees awaiting entry into the United States.

Refugee temporary care.

"(3) The Secretary is authorized, in consultation with the Coordinator, to make arrangements (including cooperative arrangements with other Federal agencies) for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary, without regard to such provisions of law (other than the Renegotiation Act of 1951 and section 414(b) of this chapter) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the Secretary may specify.

50 USC app. 1211 note.

Medical screening and care.

"(4) The Secretary, in consultation with the Coordinator, shall—

"(A) assure that an adequate number of trained staff are available at the location at which the refugees enter the United States to assure that all necessary medical records are available and in proper order;

"(B) provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment;

"(C) assure that State or local health officials at the resettlement destination within the United States of each refugee are promptly notified of the refugee's arrival and provided with all applicable medical records; and

"(D) provide for such monitoring of refugees identified under subparagraph (B) as will insure that they receive appropriate and timely treatment.

The Secretary shall develop and implement methods for monitoring and assessing the quality of medical screening and related health services provided to refugees awaiting resettlement in the United States.

"(c) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—The Director is authorized to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—

"(1) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services;

"(2) to provide training in English where necessary (regardless of whether the refugees are employed or receiving cash or other assistance); and

"(3) to provide where specific needs have been shown and recognized by the Director, health (including mental health) services, social services, educational and other services.

"(d) Assistance for Refugee Children.—(1) The Director is authorized to make grants, and enter into contracts, for payments for projects to provide special educational services (including English language training) to refugee children in elementary and secondary schools where a demonstrated need has been shown.

Child welfare services.

"(2)(A) The Director is authorized to provide assistance, reimbursement to States, and grants to and contracts with public and private nonprofit agencies, for the provision of child welfare services, including foster care maintenance payments and services and health care, furnished to any refugee child (except as provided in subparagraph (B)) during the thirty-six month period beginning with the first month in which such refugee child is in the United States.

42 USC 620.

"(B)(i) In the case of a refugee child who is unaccompanied by a parent or other close adult relative (as defined by the Director), the services described in subparagraph (A) may be furnished until the month after the child attains eighteen years of age (or such higher age as the State's child welfare services plan under part B of title IV of the Social Security Act prescribes for the availability of such services to any other child in that State).

Legal and financial responsibility, interim period.

"(ii) The Director shall attempt to arrange for the placement under the laws of the States of such unaccompanied refugee children, who have been accepted for admission to the United States, before (or as soon as possible after) their arrival in the United States. During any interim period while such a child is in the United States or in transit to the United States but before the child is so placed, the Director shall assume legal responsibility (including financial responsibility) for the child, if necessary, and is authorized to make necessary decisions to provide for the child's immediate care.

"(iii) In carrying out the Director's responsibilities under clause (ii), the Director is authorized to enter into contracts with appropriate public or private nonprofit agencies under such conditions as the Director determines to be appropriate.

List of unaccompanied children.

"(iv) The Director shall prepare and maintain a list of (I) all such unaccompanied children who have entered the United States after April 1, 1975, (II) the names and last known residences of their parents (if living) at the time of arrival, and (III) the children's location, status, and progress.

"(e) Cash Assistance and Medical Assistance to Refugees.—(1) The Director is authorized to provide assistance, reimbursement to States, and grants to, and contracts with, public or private nonprofit agencies for up to 100 per centum of the cash assistance and medical assistance provided to any refugee during the thirty-six month period beginning with the first month in which such refugee has entered the United States and for the identifiable and reasonable administrative costs of providing this assistance.

"(2) Cash assistance provided under this subsection to an employable refugee is conditioned, except for good cause shown—

"(A) on the refugee's registration with an appropriate agency providing employment services described in subsection (c)(1), or, if there is no such agency available, with an appropriate State or local employment service; and

"(B) on the refugee's acceptance of appropriate offers of employment;

except that subparagraph (A) does not apply during the first sixty days after the date of the refugee's entry.

"(3) The Director shall develop plans to provide English training and other appropriate services and training to refugees receiving cash assistance.

English training.

"(4) If a refugee is eligible for aid or assistance under a State plan approved under part A of title IV or under title XIX of the Social Security Act, or for supplemental security income benefits (including State supplementary payments) under the program established under title XVI of that Act, funds authorized under this subsection shall only be used for the non-Federal share of such aid or assistance, or for such supplementary payments, with respect to cash and medical assistance provided with respect to such refugee under this paragraph.

Aid under State plan.

42 USC 601, 1396.

42 USC 1381.

"(5) The Director is authorized to allow for the provision of medical assistance under paragraph (1) to any refugee, during the one-year period after entry, who does not qualify for assistance under a State plan approved under title XIX of the Social Security Act on account of any resources or income requirement of such plan, but only if the Director determines that—

Medical assistance provision.

42 USC 1396.

"(A) this will (i) encourage economic self-sufficiency, or (ii) avoid a significant burden on State and local governments; and

"(B) the refugee meets such alternative financial resources and income requirements as the Director shall establish.

"CONGRESSIONAL REPORTS

"Sec. 413. (a)(1) The Secretary, in consultation with the Coordinator, shall submit a report on activities under this chapter to the Committees on the Judiciary of the House of Representatives and of the Senate not later than the January 31 following the end of each fiscal year, beginning with fiscal year 1980.

8 USC 1523.

"(2) Each such report shall contain—

Contents.

"(A) an updated profile of the employment and labor force statistics for refugees who have entered under this Act since May 1975, as well as a description of the extent to which refugees received the forms of assistance or services under this chapter during that period;

"(B) a description of the geographic location of refugees;

"(C) a summary of the results of the monitoring and evaluation conducted under section 412(a)(7) during the period for which the report is submitted;

"(D) a description of (i) the activities, expenditures, and policies of the Office under this chapter and of the activities of States, voluntary agencies, and sponsors, and (ii) the Director's plans for improvement of refugee resettlement;

"(E) evaluations of the extent to which (i) the services provided under this chapter are assisting refugees in achieving economic self-sufficiency, achieving ability in English, and achieving employment commensurate with their skills and abilities, and

(ii) any fraud, abuse, or mismanagement has been reported in the provisions of services or assistance;

"(F) a description of any assistance provided by the Director pursuant to section 412(e)(5);

"(G) a summary of the location and status of unaccompanied refugee children admitted to the United States; and

"(H) a summary of the information compiled and evaluation made under section 412(a)(8).

Analysis.

"(b) The Secretary, in consultation with the Coordinator, shall conduct and report to Congress, not later than one year after the date of the enactment of this chapter, an analysis of—

"(1) resettlement systems used by other countries and the applicability of such systems to the United States;

"(2) the desirability of using a system other than the current welfare system for the provision of cash assistance, medical assistance, or both, to refugees; and

"(3) alternative resettlement strategies.

"AUTHORIZATION OF APPROPRIATIONS

8 USC 1524.

"SEC. 414. (a)(1) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years, such sums as may be necessary for the purpose of providing initial resettlement assistance, cash and medical assistance, and child welfare services under subsections (b)(1), (b)(3), (b)(4), (d)(2), and (e) of section 412.

"(2) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years $200,000,000, for the purpose of carrying out the provisions (other than those described in paragraph (1)) of this chapter.

Contract authority.

"(b) The authority to enter into contracts under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 312. (a) The table of contents of the Immigration and Nationality Act is amended—

(1) by striking out the item relating to title IV and inserting in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS";

and

(2) by adding at the end the following new items:

"CHAPTER 2—REFUGEE ASSISTANCE

"Sec. 411. Office of Refugee Resettlement.
"Sec. 412. Authorization for programs for domestic resettlement of and assistance to refugees.
"Sec. 413. Congressional reports.
"Sec. 414. Authorization of appropriations.".

Contributions to United Nations.

(b)(1) Subsection (b) of section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended by striking out paragraphs (1) through (6) and inserting in lieu thereof the following:

"(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the Intergovernmental Committee for European Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

Assistance for refugees outside U.S.

"(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.".

(2) Subsection (c)(2) of such section is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

Repeal. 22 USC 2601 note.

(c) The Indochina Migration and Refugee Assistance Act of 1975 (Public Law 94-23) is repealed.

Limitations. 8 USC 1522 note.

Sec. 313. (a) Except as otherwise provided in this section, the amendments made by this part shall apply to fiscal years beginning on or after October 1, 1979.

Ante, p. 111.

(b) Subject to subsection (c), the limitations contained in sections 412(d)(2)(A) and 412(e)(1) of the Immigration and Nationality Act on the duration of the period for which child welfare services and cash and medical assistance may be provided to particular refugees shall not apply to such services and assistance provided before April 1, 1981.

Cuban refugees.

22 USC 2601.

(c) Notwithstanding section 412(e)(1) of the Immigration and Nationality Act and in lieu of any assistance which may otherwise be provided under such section with respect to Cuban refugees who entered the United States and were receiving assistance under section 2(b) of the Migration and Refugee Assistance Act of 1962 before October 1, 1978, the Director of the Office of Refugee Resettlement is authorized—

(1) to provide reimbursement—

(A) in fiscal year 1980, for 75 percent,

(B) in fiscal year 1981, for 60 percent,

(C) in fiscal year 1982, for 45 percent, and

(D) in fiscal year 1983, for 25 percent,

of the non-Federal costs of providing cash and medical assistance (other than assistance described in paragraph (2)) to such refugees, and

Non-Federal cost reimbursement.

(2) to provide reimbursement in any fiscal year for 100 percent of the non-Federal costs associated with such Cuban refugees with respect to whom supplemental security income payments were being paid as of September 30, 1978, under title XVI of the Social Security Act.

Ante, p. 111.

(d) The requirements of section 412(a)(6)(A) of the Immigration and Nationality Act shall apply to assistance furnished under chapter 2 of title IV of such Act after October 1, 1980, or such earlier date as the Director of the Office of Refugee Resettlement may establish.

TITLE IV—SOCIAL SERVICES FOR CERTAIN APPLICANTS FOR ASYLUM

8 USC 1522 note.

Ante, p. 116.

Sec. 401. (a) The Director of the Office of Refugee Resettlement is authorized to use funds appropriated under paragraphs (1) and (2) of section 414(a) of the Immigration and Nationality Act to reimburse State and local public agencies for expenses which those agencies incurred, at any time, in providing aliens described in subsection (c) of this section with social services of the types for which reimbursements were made with respect to refugees under paragraphs (3) through (6) of section 2(b) of the Migration and Refugee Assistance

22 USC 2601

Act of 1962 (as in effect prior to the enactment of this Act) or under any other Federal law.

Work permit

(b) The Attorney General is authorized to grant to an alien described in subsection (c) of this section permission to engage in employment in the United States and to provide to that alien an "employment authorized" endorsement or other appropriate work permit.

Applicability

(c) This section applies with respect to any alien in the United States (1) who has applied before November 1, 1979, for asylum in the United States, (2) who has not been granted asylum, and (3) with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

Approved March 17, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-608 accompanying H.R. 2816 (Comm. on the Judiciary) and No. 96-781 (Comm. of Conference).
SENATE REPORTS: No. 96-256 (Comm. on the Judiciary) and No. 96-590 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 6, considered and passed Senate.
Dec. 20, H.R. 2816 considered and passed House, passage vacated and S. 643, amended, passed in lieu.
Vol. 126 (1980): Feb. 26, Senate agreed to conference report.
Mar. 4, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 12 (1980): Mar. 18, Presidential statement.

APPENDIX II.
CONFERENCE REPORT AND ANALYSIS OF THE REFUGEE ACT OF 1980

Mr. Kennedy.

Mr. President, as the chief sponsor of S. 643, The Refugee Act of 1980, and as one of the Conferees on the bill, I want to express my strong support to the Senate for this Conference Report.

This report combines the best features of both the Senate and House versions of this bill. As reported, I believe S. 643 represents the single most significant reform of our Nation's immigration statute in 15 years -- since the major amendments in 1965.

This Act gives statutory meaning to our national commitment to human rights and humanitarian concerns -- which are not now reflected in our immigration law. It reforms our law governing the admission and resettlement of refugees - a fundamental human rights issue.

This legislation will also insure greater equity in our treatment of all refugees. It will rationalize and write into the statute how we respond to refugee emergencies. And it will make our law conform to the United Nations Convention and Protocol Relating to the Status of Refugees, which we signed in 1969.

Mr. President, over the years America has responded generously to the needs of the homeless. We have a proud record of accomplishment in offering a helping hand to refugees. This Act -- which has the strong support of the voluntary agencies and church groups, as well as many other organizations and groups -- will help us to do this job better, and to resettle refugees more humanely with greater planning and at reduced costs.

For too long our Nation's policy and programs for refugees have been worked out on an *ad hoc* basis, without any overall statutory authority or programatic guidelines. Recognizing this need for a national refugee policy, I initiated consultations in late 1978 with the Executive Branch and the voluntary agencies and others concerned over refugee reform, in an effort to develop a consensus over what needed to be done.

Using the text of an earlier refugee bill I had introduced, I wrote on September 11, 1978 to the Secretary of State, the Attorney General, the Secretary of Health, Education and Welfare, and to the Chairman of the American Council of Voluntary Agencies' Committee on Migration and Refugees, the following letter:

> *** I believe there is an urgent need for the United States to begin to take the steps necessary to establish a long range refugee policy -- a policy which will treat all refugees fairly and assist all refugees equally. Such a national refugee policy is now clearly lacking, and there is too little coordination between the various branches of Government involved with refugee programs, and with the voluntary resettlement agencies.
>
> Given the Senate calendar, there probably will not be the opportunity to act this year on S. 2751, [95th Congress], or on refugee legislation generally. However, it is my firm intention early in the next session of Congress to pursue in an orderly and thoughtful way the growing problems our country faces in meeting the resettlement needs of refugees around the world. With this goal in

mind, I would like to begin now to work with you and others in the Executive Branch to shape proposals that will help lay the basis for early legislative action on a national refugee policy.

The refugees of tomorrow, like the refugees of today, will continue to look to the United States for safe haven and resettlement opportunities -- and our Government will continue to be called upon to help. Yet all agree that present law and practice is inadequate, and that the piecemeal approach of our Government in reacting to individual refugee crises as they occur is no longer tolerable. We must learn from our recent experience with the Indochinese refugee program, and explore new methods for meeting the growing demands for refugee resettlement in the United States.

I believe the provisions of my bill, S. 2751, go a long way in helping to establish a national policy of welcome to refugees. However, this basic reform of the immigration law deals with only half the problem -- the admission of refugees to the United States. We must also consider the problems involved in their resettlement in communities across our land, and what the Federal responsibility is to help in that resettlement process.

Working closely with the House Judiciary Committee, this began a process of consultations between the Congress and the Executive Branch that led to the introduction of S. 643 and to the Conference Report we have before us today.

Mr. President, with this background on the evolution of this bill, and as a Conferee on it, I would like to comment, for the Record, on several specific provisions of this important legislation, and on the reforms of current law and practice it will change.

Definition of a Refugee

First, Mr. President, one of the most important achievements of this Act is the change in the definition of a refugee. It repeals the cold war definition of a refugee, which has been in the law since 1952. The new definition makes our law conform to the United Nations Convention and Protocol Relating to the Status of Refugees, and provides as well for "displaced persons" within their own country. This is to provide for situations such as Saigon in 1975, where refugees of special humanitarian concern to the United States were directly evacuated from their country.

In addition, it is the clear legislative history behind this bill, as expressed in both the House and Senate reports on it, that the definition in the Act also applies to people in detention who may be permitted to leave their country if accepted by other governments -- such as the "state of siege" detainees in Argentina or the Cuban prisoner release program in Havana today.

Admission of Refugees

For the first time in nearly three decades, Mr. President, this legislation establishes realistic provisions governing the admission of refugees -- both "normal flow" refugees and those admitted under emergency situations. Until fiscal year 1983 the normal flow will be 50,000. But this number can be increased by the President prior to the beginning of the fiscal year following consultations with Congress. Contrary to current law, the consultation process is now specifically outlined in the statute, ending the current parole process which is merely governed by custom and practice.

During an emergency situation, the President may also admit additional refugees following consultations with Congress.

Admission Status of Refugees

S. 643 as it passed the Senate would have ended years of admitting refugees as "conditional entrants" or "parolees," and treat all refugees as we treat all other immigrants by admitting them as permanent resident aliens. However, the Conferees concluded a one-year "conditional entry" status as a "refugee" would be useful until the new system and procedures under the new Act were fully implemented.

Hence, the Conferees compromised on the House version and established a new "refugee" admission status -- different from either the present "conditional entry" or "parolee" status. This new status will end after only one year -- rather than two years -- after which the refugee can adjust to permanent resident status. This one year "refugee" status would also be counted towards the five-year period required for naturalization.

More importantly, the provisions of S. 643 will not require an officer of the Immigration and Naturalization Service to process all "refugee" applications. Both consular officers in the United States Embassies overseas, as well as officers of the Immigration and Naturalization Service, are authorized to process refugee applications. It would be my strong view that arrangements between the Attorney-General and Secretary of State should be immediately concluded to carry out this provision, so as to avoid unnecessary duplication of work between INS and Department of State personnel -- such as in Bangkok, Thailand today, where Embassy officials now complete all the interviewing and screening of Indochinese refugee applicants, but INS officers must nonetheless fly in, on expensive temporary duty, to simply bless the exhaustive paperwork and processing already done by Department of State personnel. There is no need for INS personnel to duplicate or second guess what consular officers have done.

Also, in individual refugee cases, in the many areas of the world where no INS offices are located, it only makes sense to permit consular officers to process refugee applications.

Asylum Provisions

For the first time, Mr. President, this Act establishes a clearly defined asylum provision in United States immigration law. It provides that up to 5,000 of the "normal flow" numbers can be used to grant asylum to persons within the United States, or to persons reaching our shores, who can claim to be refugees. This provision also conforms to our international treaty obligations under the United Nations Convention and Protocol Relating to the Status of Refugees.

It is the intention of the Conferees that the Attorney General should immediately create a uniform procedure for the treatment of asylum claims filed in the United States or at our ports of entry.

Present regulations and procedures now used by the Immigration Service simply do not conform to either the spirit or to the new provisions of this Act.

Also, relative to the suspension of deportation, under Section 243(h) of the Immigration and Nationality Act, it is the intention of the Conferees that the new provisions of this Act shall be implemented consistent with the relevant provisions of the United Nations Convention and Protocol.

Regarding the application of Section 245(c) on asylum claims, it is the intention of the Conferees that Section 245(c), on its face, only applies to adjustments of status under that section alone -- and not under the new provisions added by this Act. Thus, refugees, such as some Ethiopians who have come to my attention in Boston, who have been granted asylum in the United States but who have been unable to adjust their status under Section 203(a)(7) in current law, because of the limitations of Section 245(c), can now apply for adjustment of status under the new Section 209(b) of this Act. This is also intended to apply to those granted asylum before the enactment of this Act.

Limitation on Parole

The Conferees agreed to write into the new law the clear legislative intent of both Houses that the parole authority in Section 212(d)(5) should no longer be used to admit groups of refugees -- since the new provisions of this Act should provide ample flexibility and authority in dealing with foreseen or unforeseen refugee situations.

However, Section 212(d)(5) of theI & N Act remains intact, and while the Conferees accepted the limitation in the House bill we clearly recognize that they do not limit the Attorney General's parole authority to admit individuals or groups of aliens who are not deemed to be refugees under the terms of this Act.

It is also the clear intention of the Conferees that existing parole programs will continue until the consultation process under this Act is completed, and that such parole programs as the Western Hemisphere Parole Program should go forward until reviewed by Congress under the provisions of this legislation.

Domestic Resettlement Assistance

Mr. President, a crucial part of this Act is Title III, which authorizes federal assistance in support of resettling refugees in the United States. Because the admission of refugees is outside our normal immigration procedures and is the result of a national policy decision, obviously the federal government has a direct responsibility to assist State and local communities in resettling such refugees -- assisting them until they are self-supporting and contributing members of their adopted communities.

The issue before the Conferees was how long should this federal responsibility be reasonably extended. In adopting the compromise language in the Conference Report on Title III reimbursements, the Conferees were mindful of the deep concern of many State and local agencies that federal assistance must be long enough to assure that local communities will not be taxed for programs they did not initiate. Yet, the Conferees were also concerned that we must not have an open-ended authorization.

As the bill was originally submitted by the Administration, there was a two-year limitation on most resettlement programs authorized in Title III. Both Committees, in considering the bill, felt that this two-year limitation across the board was too restrictive, and was inadequate to meet the resettlement needs of refugees. In the Senate we amended the bill to lift all limitations on social service and training programs and on special projects. And on the floor we provided for a one-year transition period, and then a two-year limitation only on the reimbursement for cash and medical payments. The House bill had a two-year transition period, and thereafter a four-year limitation.

The Conferees compromised on a 1½ year transition -- since we are so far into the current fiscal year -- and a three-year limitation on federal reimbursements after that date to all refugees. I believe this compromise, and the other authorities in Title III which have no time limitation, more than adequately fulfills the federal responsibility in helping to resettle refugees.

This Act also authorizes $200 million annually for discretionary grants and contracts for special projects, programs, and services for refugees. It is the intent of the Conferees that the term "public and private nonprofit agencies" who shall be eligible to receive and program these funds include: "State and local government agencies, private voluntary agencies, post-secondary educational institutions, as well as other qualified private nonprofit agencies."

U.S. Coordinator for Refugee Affairs and Office of Refugee Resettlement in H.E.W.

Recognizing that the administrative structure in the Executive Branch has been inadequate to fully support the refugee resettlement effort, both Congress and the Executive Branch have moved in recent months to strengthen governmental structures in this area. The Conferees, building upon these initiatives, took the essential elements of the House version of the bill, which give statutory authority to two offices recently created by the President or by administrative regulation.

The Act establishes a United States Coordinator for Refugee Affairs, to be appointed by the President, with the advice and consent of the Senate. The President has the discretionary authority to place the Coordinator wherever he feels this office is most appropriate over time. However, it is the current view of most of the Conferees that the President should move the Coordinator to the Executive Office, to give the Coordinator the government-wide authority the office needs.

The Conference substitute also establishes an Office of Refugee Resettlement in the Department of Health and Human Services. It is the intention of the Conferees that this Office function "in consultation with and under the general policy guidance of the U.S. Coordinator for Refugee Affairs."

Initial Resettlement Grants

In resolving the different approaches of the Senate and House versions of the bill towards the administration of initial resettlement grants, the Conferees were very sensitive to the concerns of the voluntary agencies, who carry the initial responsibility in helping refugees resettle in the United States. The Conferees share their view that the new legislation should not freeze into the statute the arbitrary decision that H.E.W. will administer these resettlement grants in two years, until it has proven its ability to do so, and until it is clearly in the best interest of the resettlement program. Therefore, the Conferees require the President to undertake a study on which agency and/or official in government is best able to administer the initial resettlement grants and to report to Congress no later than March 1, 1981 on his findings. If the President, over the following fiscal year, decides that the Office of Refugee Resettlement in H.E.W. should not administer these grants, he may determine by Presidential order where they should be administered.

Concluding Comment

Mr. President, S. 643 deals with one of the oldest and most important themes in our Nation's history -- welcoming homeless refugees to our shores. It relates to our country's ability to respond to the resettlement needs of refugees around the world, which touches at the heart of America's foreign policy. It reflects the humanitarian tradition of the American people. For all these reasons and more, I strongly urge the adoption of this Conference Report by the Senate.

96TH CONGRESS *2d Session*	SENATE	REPORT No. 96-590

REFUGEE ACT OF 1980

FEBRUARY 25, 1980.—Ordered to be printed
Filed under authority of the order of the Senate of February 21
(legislative day January 3), 1980

Mr. KENNEDY, from the committee on conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 643]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That this Act may be cited as the "Refugee Act of 1980".

TITLE I—PURPOSE

SEC. 101. (a) The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas, efforts to promote opportunities for resettlement or voluntary repatriation, aid for necessary transportation and processing, admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States. The Congress further declares that it is the policy of the United States to encourage all nations to provide assistance and resettlement opportunities to refugees to the fullest extent possible.

(b) The objectives of this Act are to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide

comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

TITLE II—ADMISSION OF REFUGEES

SEC. 201. (a) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding after paragraph (41) the following new paragraph:

"(42) The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.".

(b) Chapter 1 of title II of such Act is amended by adding after section 206 (8 U.S.C. 1156) the following new sections:

"ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES

"SEC. 207. (a)(1) Except as provided in subsection (b), the number of refugees who may be admitted under this section in fiscal year 1980, 1981, or 1982, may not exceed fifty thousand unless the President determines, before the beginning of the fiscal year and after appropriate consultation (as defined in subsection (e)), that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns or is otherwise in the national interest.

"(2) Except as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

"(3) Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

"(b) If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns or is otherwise in the national interest, and (3) the admission to the United States of

these refugees cannot be accomplished under subsection (a), the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

"(c)(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act.

"(2) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under paragraph (1) and if not a person described in the second sentence of section 101(a)(42), be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act. Upon the spouse's or child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

"(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 101(a)(42) at the time of the alien's admission.

"(d)(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such committees regarding changes in the worldwide refugee situation, the progress

of refugee admissions, and the possible need for adjustments in the allocation of admissions among refugees.

"(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to the number of refugee admissions under subsection (a) or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b), the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

"(3)(A) After the President initiates appropriate consultation prior to making a determination under subsection (a), a hearing to review the proposed determination shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b), that the number of refugee admissions should be increased because of an unforeseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(e) For purposes of this section, the term 'appropriate consultation' means, with respect to the admission of refugees and allocation of refugee admissions, discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest, and to provide such members with the following information:

"(1) A description of the nature of the refugee situation.

"(2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came.

"(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

"(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

"(5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees.

"(6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States.

"(7) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this subsection shall be provided at least two weeks in advance of discussions in person by designated representatives of the President with such members.

"ASYLUM PROCEDURE

"SEC. 208. (a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

"(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided.

"(c) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.

"ADJUSTMENT OF STATUS OF REFUGEES

"SEC. 209. (a)(1) Any alien who has been admitted to the United States under section 207—

"(A) whose admission has not been terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe,

"(B) who has been physically present in the United States for at least one year, and

"(C) who has not acquired permanent resident status,

shall, at the end of such year period, return or be returned to the custody of the Service for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 235, 236, and 237.

"(2) Any alien who is found upon inspection and examination by an immigration officer pursuant to paragraph (1) or after a hearing before a special inquiry officer to be admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of the alien's inspection and examination shall, notwithstanding any numerical limitation specified in this Act, be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's arrival into the United States.

"(b) Not more than five thousand of the refugee admissions authorized under section 207(a) in any fiscal year may be made available by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—

"(1) applies for such adjustment,

"(2) has been physically present in the United States for at least one year after being granted asylum,

"(3) continues to be a refugee within the meaning of section 101(a)(42)(A) or a spouse or child of such a refugee,

"(4) is not firmly resettled in any foreign country, and

"(5) is admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

Upon approval of an application under this subsection, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date one year before the date of the approval of the application.

"(c) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.".

(c) The table of contents of such Act is amended by inserting after the item relating to section 206 the following new items:

"Sec. 207. Annual admission of refugees and admission of emergency situation refugees.
"Sec. 208. Asylum procedure.
"Sec. 209. Adjustment of status of refugees.".

Sec. 202. Section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) is amended—

(1) by inserting "and subsection (c)" in subsection (a) after "Except as provided in subsection (b)"; and

(2) by adding at the end thereof the following new subsection:

"(c) The provisions of subsection (a) shall not apply to an alien whom the Attorney General admits to the United States under section 207.".

Sec. 203. (a) Subsection (a) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-two thousand and shall not in any fiscal year exceed two hundred and seventy thousand.".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in subsection (a);

(2) by striking out "(8)" in subsection (a) and inserting in lieu thereof "(7)";

(3) by striking out "or conditional entries" and "and conditional entries" in subsection (e);

(4) by striking out "20 per centum" in subsection (e)(2) and inserting in lieu thereof "26 per centum";

(5) by striking out paragraph (7) of subsection (e);

(6) by striking out "(7)" in paragraph (8) of subsection (e) and inserting in lieu thereof "(6)"; and

(7) by redesignating paragraph (8) of subsection (e) as paragraph (7).

(c) Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional entry authorized, as the case may be." in subsection (a);

(2) by striking out "20 per centum" in subsection (a)(2) and inserting in lieu thereof "26 per centum";

(3) by striking out paragraph (7) of subsection (a);

(4) by striking out "and less the number of conditional entries and visas available pursuant to paragraph (7)" in subsection (a)(8);

(5) by striking out "or to conditional entry under paragraphs (1) through (8)" in subsection (a)(9) and inserting in lieu thereof "under paragraphs (1) through (7)";

(6) by redesignating paragraphs (8) and (9) of subsection (a) as paragraphs (7) and (8), respectively;

(7) by striking out "(7)" in subsection (d) and inserting in lieu thereof "(6)"; and

(8) by striking out subsections (f), (g), and (h).

(d) Sections 212(a)(14), 212(a)(32), and 244(d) of such Act (8 U.S.C. 1182(a)(14), 1182(a)(32), 1254(d)) are each amended by striking out "section 203(a)(8)" and inserting in lieu thereof "section 203(a)(7)".

(e) Subsection (h) of section 243 of such Act (8 U.S.C. 1253) is amended to read as follows:

"(h)(1) The Attorney General shall not deport or return any alien (other than an alien described in section 241(a)(19)) to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) Paragraph (1) shall not apply to any alien if the Attorney General determines that—

"(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States; or

"(D) there are reasonable grounds for regarding the alien as a danger to the security of the United States.".

(f) Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by inserting "(A)" after "(5)";

(2) by inserting ", except as provided in subparagraph (B)," after "Attorney General may"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.".

(g) Section 5 of Public Law 95–412 (8 U.S.C. 1182 note) is amended by striking out "September 30, 1980" and inserting in lieu thereof "April 1, 1980".

(h) Any reference in any law (other than the Immigration and Nationality Act or this Act) in effect on April 1, 1980, to section 203 (a)(7) of the Immigration and Nationality Act shall be deemed to be a reference to such section as in effect before such date and to sections 207 and 208 of the Immigration and Nationality Act.

(i) Section 203(g) of such Act (8 U.S.C. 1153(g)), section 101(a) (3) of Public Law 95–145, and the first section of Public Law 89–732 are each amended by striking out "two years" and inserting in leiu thereof "one year".

Sec. 204. (a) Except as provided in subsections (b) and (c), this title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to fiscal years beginning with the fiscal year beginning October 1, 1979.

(b)(1)(A) Section 207(c) of the Immigration and Nationality Act (as added by section 201(b) of this Act) and the amendments made by subsections (b), (c), and (d) of section 203 of this Act shall take effect on April 1, 1980.

(B) The amendments made by section 203(f) shall apply to aliens paroled into the United States on or after the sixtieth day after the date of the enactment of this Act.

(C) The amendments made by section 203(i) shall take effect immediately before April 1, 1980.

(2) Notwithstanding sections 207(a) and 209(b) of the Immigration and Nationality Act (as added by section 201(b) of this Act), the fifty thousand and five thousand numerical limitations specified in such respective sections shall, for fiscal year 1980, be equal to 25,000 and 2,500, respectively.

(3) Notwithstanding any other provision of law, for fiscal year 1980—

(A) the fiscal year numerical limitation specified in section 201(a) of the Immigration and Nationality Act shall be equal to 280,000, and

(B) for the purpose of determining the number of immigrant visas and adjustments of status which may be made available under sections 203(a)(2) and 202(e)(2) of such Act, the granting of a conditional entry or adjustment of status under section 203(a)(7) or 202(e)(7) of such Act after September 30, 1979, and before April 1, 1980, shall be considered to be the granting of an immigrant visa under section 203(a)(2) or 202(e)(2), respectively, of such Act during such period.

(c)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) of this title, shall not apply with respect to any individual who before

April 1, 1980, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such Act, if applicable), as in effect immediately before such date, and it shall not apply to any alien paroled into the United States before April 1, 1980, who is eligible for the benefits of section 5 of Public Law 95–412.

(2) An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date), shall be deemed to be entitled to refugee status under section 207 of such Act (as added by seetion 201(b) of this title) and shall be accorded the date of registration previously established by that aolien. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not be applicable to any alien who has entered the United States before April 1, 1980, pursuant to section 203(a)(7) of such Act or who has been paroled as a refugee into the United States under section 212(d)(5) of such Act, and who is seeking adjustment of status, and the Attorney General may waive any other provision of section 212(a) of such Act (other than paragraph (27), (29), or *(33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.*

(d)(1) Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title), the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act for fiscal year 1980.

(2) The Attorney General shall establish the asylum procedure referred to in section 208(a) of the Immigration and Nationality Act (as added by section 201(b) of this title) not later than June 1, 1980.

(e) Any reference in this Act or in chapter 2 of title IV of the Immigration and Nationality Act to the Secretary of Education or the Secretary of Health and Human Services or to the Department of Health and Human Services shall be deemed, before the effective date of the Department of Education Organization Act, to be a reference to the Secretary of Health, Education, and Welfare or to the Department of Health, Education, and Welfare respectively.

TITLE III—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS AND ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

PART A—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS

SEC. 301. (a) The President shall appoint, by and with the advice and consent of the Senate, a United States Coordinator for Refugee Affairs (hereinafter in this part referred to as the "Coordinator"). The Coordinator shall have the rank of Ambassador-at-Large.

(b) The Coordinator shall be responsible to the President for—

(1) the development of overall United States refugee admission and resettlement policy;

(2) the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

(3) the design of an overall budget strategy to provide individual agencies with policy guidance on refugee matters in the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests;

(4) the presentation to the Congress of the Administration's overall refugee policy and the relationship of individual agency refugee budgets to that overall policy;

(5) advising the President, Secretary of State, Attorney General, and the Secretary of Health and Human Services on the relationship of overall United States refugee policy to the admission of refugees to, and the resettlement of refugees in, the United States;

(6) under the direction of the Secretary of State, representation and negotiation on behalf of the United States with foreign governments and international organizations in discussions on refugee issues for inclusion in other international negotiations;

(7) development of an effective and responsive liaison between the Federal Government and voluntary organizations, Governors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States Government policy;

(8) making recommendations to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States; and

(9) reviewing the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of functions relating to refugee admission and resettlement in the United States.

(c)(1) In the conduct of the Coordinator's duties, the Coordinator shall consult regularly with States, localities, and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees.

(2) The Secretary of Labor and the Secretary of Education shall provide the Coordinator with regular reports describing the efforts of their respective departments to increase refugee access to programs within their jurisdiction, and the Coordinator shall include information on such programs in reports submitted under section 413(a)(1) of the Immigration and Nationality Act.

PART B—ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

SEC. 311. (a) Title IV of the Immigration and Nationality Act is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS"; and

(2) by adding at the end thereof the following new chapter:

"CHAPTER 2—REFUGEE ASSISTANCE

"OFFICE OF REFUGEE RESETTLEMENT

"SEC. 411. (a) There is established, within the Department of Health and Human Services, an office to be known as the Office of Refugee Resettlement (hereinafter in this chapter referred to as the 'Office'). The head of the Office shall be a Director (hereinafter in this chapter referred to as the 'Director'), to be appointed by the Secretary of Health and Human Services (hereinafter in this chapter referred to as the 'Secretary').

"(b) The function of the Office and its Director is to fund and administer (directly or through arrangements with other Federal agencies), in consultation with and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the 'Coordinator'), programs of the Federal Government under this chapter.

"AUTHORIZATION FOR PROGRAMS FOR DOMESTIC RESETTLEMENT OF AND ASSISTANCE TO REFUGEES

"SEC. 412. (a) CONDITIONS AND CONSIDERATIONS.—(1) In providing assistance under this section, the Director shall, to the extent of available appropriations, (A) make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible, (B) provide refugees with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible, (C) insure that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency, in accordance with subsection (e)(2), and (D) insure that women have the same opportunities as men to participate in training and instruction.

"(2) The Director, together with the Coordinator, shall consult regularly with State and local governments and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees among the States and localities.

"(3) In the provision of domestic assistance under this section, the Director shall make a periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services under this chapter and the resources available to meet such needs. In allocating resources, the Director shall avoid duplication of services and provide for maximum coordination between agencies providing related services.

"(4) No grant or contract may be awarded under this section unless an appropriate proposal and application (including a description of the agency's ability to perform the services specified in the proposal) are submitted to, and approved by, the appropriate administering offi-

cial. Grants and contracts under this section shall be made to those agencies which the appropriate administering official determines can best perform the services. Payments may be made for activities authorized under this chapter in advance or by way of reimbursement. In carrying out this section, the Director, the Secretary of State, and any such other appropriate administering official are authorized—

"(A) to make loans, and

"(B) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for the purpose of carrying out this section.

"(5) Assistance and services funded under this section shall be provided to refugees without regard to race, religion, nationality, sex, or political opinion.

"(6) As a condition for receiving assistance under this section, a State must—

"(A) submit to the Director a plan which provides—

"(i) a description of how the State intends to encourage effective refugee resettlement and to promote economic self-sufficiency as quickly as possible,

"(ii) a description of how the State will insure that language training and employment services are made available to refugees receiving cash assistance,

"(iii) for the designation of an individual, employed by the State, who will be responsible for insuring coordination of public and private resources in refugee resettlement,

"(iv) for the care and supervision of and legal responsibility for unaccompanied refugee children in the State, and

"(v) for the identification of refugees who at the time of resettlement in the State are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation and such monitoring of such treatment or observation as may be necessary;

"(B) meet standards, goals, and priorities, developed by the Director, which assure the effective resettlement of refugees and which promote their economic self-sufficiency as quickly as possible and the efficient provision of services; and

"(C) submit to the Director, within a reasonable period of time after the end of each fiscal year, a report on the uses of funds provided under this chapter which the State is responsible for administering.

(7) The Secretary, together with the Secretary of State with respect to assistance provided by the Secretary of State under subsection (b), shall develop a system of monitoring the assistance provided under this section. This system shall include—

"(A) evaluations of the effectiveness of the programs funded under this section and the performance of States, grantees, and contractors;

"(B) financial auditing and other appropriate monitoring to detect any fraud, abuse, or mismanagement in the operation of such programs; and

"(C) data collection on the services provided and the results achieved.

"(8) The Attorney General shall provide the Director with information supplied by refugees in conjunction with their applications to

the Attorney General for adjustment of status, and the Director shall compile, summarize, and evaluate such information.

"(9) The Secretary and the Secretary of State may issue such regulations as each deems appropriate to carry out this chapter.

"(10) For purposes of this chapter, the term 'refugee' includes any alien described in section 207(c)(2).

"(b) Program of Initial Resettlement.—(1)(A) For—

"(i) fiscal years 1980 and 1981, the Secretary of State is authorized, and

"(ii) fiscal year 1982 and succeeding fiscal years, the Director (except as provided in subparagraph (B)) is authorized,

to make grants to, and contracts with, public or private nonprofit agencies for initial resettlement (including initial reception and placement with sponsors) of refugees in the United States. Grants to, or contracts with, private nonprofit voluntary agencies under this paragraph shall be made consistent with the objectives of this chapter, taking into account the different resettlement approaches and practices of such agencies. Resettlement assistance under this paragraph shall be provided in coordination with the Director's provision of other assistance under this chapter. The Secretary of State and the Director shall jointly monitor the assistance provided during fiscal years 1980 and 1981 under this paragraph.

"(B) The President shall provide for a study of which agency is best able to administer the program under this paragraph and shall report, not later than March 1, 1981, to the Congress on such study. If the President determines after such study that the Director should not administer the program under this paragraph, the authority of the Director under the first sentence of subparagraph (A) shall be exercised by such officer as the President shall from time to time specify.

"(2) The Director is authorized to develop programs for such orientation, instruction in English, and job training for refugees, and such other education and training of refugees, as facilitates their resettlement in the United States. The Director is authorized to implement such programs, in accordance with the provisions of this section, with respect to refugees in the United States. The Secretary of State is authorized to implement such programs with respect to refugees awaiting entry into the United States.

"(3) The Secretary is authorized, in consultation with the Coordinator, to make arrangements (including cooperative arrangements with other Federal agencies) for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary, without regard to such provisions of law (other than the Renegotiation Act of 1951 and section 414(b) of this chapter) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the Secretary may specify.

"(4) The Secretary, in consultation with the Coordinator, shall—

"(A) assure that an adequate number of trained staff are available at the location at which the refugees enter the United States to assure that all necessary medical records are available and in proper order;

"(B) provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment;

"*(C) assure that State or local health officials at the resettlement destination within the United States of each refugee are promptly notified of the refugee's arrival and provided with all applicable medical records; and*

"*(D) provide for such monitoring of refugees identified under subparagraph (B) as will insure that they receive appropriate and timely treatment.*

The Secretary shall develop and implement methods for monitoring and assessing the quality of medical screening and related health services provided to refugees awaiting resettlement in the United States.

"*(c) Project Grants and Contracts for Services for Refugees.—The Director is authorized to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—*

"*(1) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services;*

"*(2) to provide training in English where necessary (regardless of whether the refugees are employed or receiving cash or other assistance); and*

"*(3) to provide where specific needs have been shown and recognized by the Director, health (including mental health) services, social services, educational and other services.*

"*(d) Assistance for Refugee Children.—(1) The Director is authorized to make grants, and enter into contracts, for payments for projects to provide special educational services (including English language training) to refugee children in elementary and secondary schools where a demonstrated need has been shown.*

"*(2)(A) The Director is authorized to provide assistance, reimbursement to States, and grants to and contracts with public and private nonprofit agencies, for the provision of child welfare services, including foster care maintenance payments and services and health care, furnished to any refugee child (except as provided in subparagraph (B)) during the thirty-six month period beginning with the first month in which such refugee child is in the United States.*

"*(B)(i) In the case of a refugee child who is unaccompanied by a parent or other close adult relative (as defined by the Director), the services described in subparagraph (A) may be furnished until the month after the child attains eighteen years of age (or such higher age as the State's child welfare services plan under part B of title IV of the Socal Security Act prescribes for the availability of such services to any other child in that State).*

"*(ii) The Director shall attempt to arrange for the placement under the laws of the States of such unaccompanied refugee children, who have been accepted for admission to the United States, before (or as soon as possible after) their arrival in the United States. During any interim period while such a child is in the United States or in transit to the United States but before the child is so placed, the Director shall assume legal responsibility (including financial responsibility) for the child, if necessary, and is authorized to make necessary decisions to provide for the child's immediate care.*

"(iii) *In carrying out the Director's responsibilities under clause (ii), the Director is authorized to enter into contracts with appropriate public or private nonprofit agencies under such conditions as the Director determines to be appropriate.*

"(iv) *The Director shall prepare and maintain a list of (I) all such unaccompanied children who have entered the United States after April 1, 1975, (II) the names and last known residences of their parents (if living) at the time of arrival, and (III) the children's location, status, and progress.*

"(e) *CASH ASSISTANCE AND MEDICAL ASSISTANCE TO REFUGEES.*—(1) *The Director is authorized to provide assistance, reimbursement to States, and grants to, and contracts with, public or private nonprofit agencies for up to 100 per centum of the cash assistance and medical assistance provided to any refugee during such thirty-six month period beginning with the first month in which such refugee has entered the United States and for the identifiable and reasonable administrative costs of providing this assistance.*

"(2) *Cash assistance provided under this subsection to an employable refugee is conditioned, except for good cause shown—*

"(A) *on the refugee's registration with an appropriate agency providing employment services described in subsection (c)(1), or, if there is no such agency available, with an appropriate State or local employment service; and*

"(B) *on the refugee's acceptance of appropriate offers of employment;*

except that subparagraph (A) does not apply during the first sixty days after the date of the refugee's entry.

"(3) *The Director shall develop plans to provide English training and other appropriate services and training to refugees receiving cash assistance.*

"(4) *If a refugee is eligible for aid or assistance under a State plan approved under part A of title IV or under title XIX of the Social Security Act, or for supplemental security income benefits (including State supplementary payments) under the program established under title XVI of that Act, funds authorized under this subsection shall only be used for the non-Federal share of such aid or assistance, or for such supplementary payments, with respect to cash and medical assistance provided with respect to such refugee under this paragraph.*

"(5) *The Director is authorized to allow for the provision of medical assistance under paragraph (1) to any refugee, during the one-year period after entry, who does not qualify for assistance under a State plan approved under title XIX of the Social Security Act on account of any resources or income requirement of such plan, but only if the Director determines that—*

"(A) *this will (i) encourage economic self-sufficiency, or (ii) avoid a significant burden on State and local governments; and*

"(B) *the refugee meets such alternative financial resources and income requirements as the Director shall establish.*

"*CONGRESSIONAL REPORTS*

"*SEC. 413. (a)(1) The Secretary, in consultation with the Coordinator, shall submit a report on activities under this chapter to the Committees on the Judiciary of the House of Representatives and of* *the Senate not later than the January 31 following the end of each fiscal year, beginning with fiscal year 1980.*

"*(2) Each such report shall contain—*

"*(A) an updated profile of the employment and labor force statistics for refugees who have entered under this Act since May 1975, as well as a description of the extent to which refugees received the forms of assistance or services under this chapter during that period;*

"*(B) a description of the geographic location of refugees;*

"*(C) a summary of the results of the monitoring and evaluation conducted under section 412(a)(7) during the period for which the report is submitted;*

"*(D) a description of (i) the activities, expenditures, and policies of the Office under this chapter and of the activities of States, voluntary agencies, and sponsors, and (ii) the Director's plans for improvement of refugee resettlement;*

"*(E) evaluations of the extent to which (i) the services provided under this chapter are assisting refugees in achieving economic self-sufficiency, achieving ability in English, and achieving employment commensurate with their skills and abilities, and (ii) any fraud, abuse, or mismanagement has been reported in the provisions of services or assistance;*

"*(F) a description of any assistance provided by the Director pursuant to section 412(e)(5);*

"*(G) a summary of the location and status of unaccompanied refugee children admitted to the United States; and*

"*(H) a summary of the information compiled and evaluation made under section 412(a)(8).*

"*(b) The Secretary, in consultation with the Coordinator, shall conduct and report to Congress, not later than one year after the date of the enactment of this chapter, an analysis of—*

"*(1) resettlement systems used by other countries and the applicability of such to the United States;*

"*(2) the desirability of using a system other than the current welfare system for the provision of cash assistance, medical assistance, or both, to refugees; and*

"*(3) alternative resettlement strategies.*

"AUTHORIZATION OF APPROPRIATIONS

"*SEC. 414. (a)(1) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years, such sums as may be necessary for the purpose of providing initial resettlement assistance, cash and medical assistance, and child welfare services under subsections (b)(1), (b)(3), (b)(4), (d)(2), and (e) of section 412.*

"*(2) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years $200,000,000, for the purpose of carrying out the provisions (other than those described in paragraph (1)) of this chapter.*

"*(b) The authority to enter into contracts under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.".*

SEC. 312. (a) The table of contents of the Immigration and Nationality Act is amended—

(1) by striking out the item relating to title IV and insert in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS"; and

(2) by adding to the end the following new items:

"CHAPTER 2—REFUGEE ASSISTANCE

"Sec. 411. Office of Refugee Resettlement.
"Sec. 412. Authorization for programs for domestic resettlement of and assistance to refugees.
"Sec. 413. Congressional reports.
"Sec. 414. Authorization of appropriations.".

(b)(1) Subsection (b) of section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended by striking out paragraphs (1) through (6) and inserting in lieu thereof the following:

"(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the Intergovernmental Committee for European Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

"(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.".

(2) Subsection (c)(2) of such section is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

(c) The Indochina Migration and Refugee Assistance Act of 1975 (Public Law 94-23) is repealed.

SEC. 313. (a) Except as otherwise provided in this section, the amendments made by this part shall apply to fiscal years beginning on or after October 1, 1979.

(b) Subject to subsection (c), the limitations contained in sections 412(d)(2)(A) and 412(e)(1) of the Immigration and Nationality Act on the duration of the period for which child welfare services and cash and medical assistance may be provided to particular refugees shall not apply to such services and assistance provided before April 1, 1981.

(c) Notwithstanding section 412(e)(1) of the Immigration and Nationality Act and in lieu of any assistance which may otherwise be provided under such section with respect to Cuban refugees who entered the United States and were receiving assistance under section 2(b) of the Migration and Refugee Assistance Act of 1962 before October 1, 1978, the Director of the Office of Refugee Resettlement is authorized—

(1) to provide reimbursement—

(A) in fiscal year 1980, for 75 percent,
(B) in fiscal year 1981, for 60 percent,
(C) in fiscal year 1982, for 45 percent, and

(D) in fiscal year 1983, for 25 percent,
of the non-Federal costs of providing cash and medical assistance (other than assistance described in paragraph (2)) to such refugees, and

(2) to provide reimbursement in any fiscal year for 100 percent of the non-Federal costs associated with such Cuban refugees with respect to whom supplemental security income payments were being paid as of September 30, 1978, under title XVI of the Social Security Act.

(d) The requirements of section 412(a)(6)(A) of the Immigration and Nationality Act shall apply to assistance furnished under chapter 2 of title IV of such Act after October 1, 1980, or such earlier date as the Director of the Office of Refugee Resettlement may establish.

TITLE IV—SOCIAL SERVICES FOR CERTAIN APPLICANTS FOR ASYLUM

Sec. 401. (a) The Director of the Office of Refugee Resettlement is authorized to use funds appropriated under paragraphs (1) and (2) of section 414(a) of the Immigration and Nationality Act to reimburse State and local public agencies for expenses which those agencies incurred, at any time, in providing aliens described in subsection (c) of this section with social services of the types for which reimbursements were made with respect to refugees under paragraphs (3) through (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 (as in effect prior to the enactment of this Act) or under any other Federal law.

(b) The Attorney General is authorized to grant to an alien described in subsection (c) of this section permission to engage in employment in the United States and to provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(c) This section applies with respect to any alien in the United States (1) who has applied before November 1, 1979, for asylum in the United States, (2) who has not been granted asylum, and (3) with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

And the House agree to the same.

Edward M. Kennedy,
Birch Bayh,
Dennis DeConcini,
Strom Thurmond,
Al Simpson,
Managers on the Part of the Senate.

Peter W. Rodino,
Elizabeth Holtzman,
George E. Danielson,
Sam B. Hall, Jr.,
Herbert E. Harris II,
Michael D. Barnes,
Clement J. Zablocki,
Dante B. Fascell,
Hamilton Fish, Jr.,
John Buchanan,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amedment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DEFINITION OF "REFUGEE"

The Senate bill incorporated the internationally-accepted definition of refugee contained in the U.N. Convention and Protocol Relating to the Status of Refugees. It also covered persons who are in their own country displaced by military or civil disturbances or who are uprooted by arbitrary detention and unable to return to their usual place of abode.

The House amendment incorporated the U.N. definition, as well as Presidentially-specified persons within their own country who are being persecuted or who fear persecution. The House amendment specifically excluded from the definition persons who themselves have engaged in persecution.

The Conference substitute adopts the House provision. It is the expectation of the Conferees that a determination of whether a refugee is "firmly resettled" under the statutory definition should be governed by regulations promulgated by the Attorney General in consultation with the Secretary of State. The Conferees also direct the Attorney General to submit periodic reports detailing the numbers, country of origin, and factual circumstances concerning those refugees who are denied admission under the "firmly resettled" criteria or who are admitted to the United States after having travelled to another country for resettlement.

NUMERICAL LIMITATION ON NORMAL FLOW

The Senate bill provided for an annual flow of refugees of 50,000 for fiscal years 1980, 1981, and 1982, with a limitation thereafter to be determined as the result of consultation with the Congress.

The House amendment provided for an annual flow of refugees of 50,000 for fiscal years 1980, 1981 and 1982, with an annual limit of 17,400 thereafter.

The Conference substitute adopts the Senate provision. It is the intent of the conferees that prior to fiscal year 1983, Congress will review the 50,000 annual numerical limitation and take appropriate action to retain or adjust this figure.

COMMITTEE CONGRESSIONAL PROCEDURES ON ADMISSIONS OF REFUGEES

The Senate bill required a hearing and report by the Judiciary Committees within thrity days of a continuous session of Congress on proposals to increase refugee admissions beyond the 50,000 normal flow.

The House amendment required the substance of consultations between the Attorney General and the Judiciary Committees on proposals to increase the normal flow, as well as in emergency situations, to be printed in the Congressional Record. The House amendment also requires a hearing on proposals to increase the normal flow, and, if possible, in emergency situations, and provided for a one-house veto of a Presidential determination to increase the normal flow of refugees beyond 50,000.

The Conference substitute adopts the House provision concerning the printing of the substance of consultations and the conduct of hearings, but deletes the one-house veto procedure.

ASYLUM AND WITHHOLDING OF DEPORTATION

The Senate bill provided for withholding deportation of aliens to countries where they would face persecution, unless their deportation would be permitted under the U.N. Convention and Protocol Relating to the Status of Refugees.

The House amendment provided a similar withholding procedure unless any of four specific conditions (those set forth in the aforementioned international agreements) were met.

The Conference substitute adopts the House provision with the understanding that it is based directly upon the language of the Protocol and it is intended that the provision be construed consistent with the Protocol. The Conferees direct the Attorney General to establish a new uniform asylum procedure under the provisions of this legislation.

LIMITATION ON PAROLE

The House amendment limited the use of parole to individual refugees and required that in utilizing parole, the Attorney General must determine that "compelling reasons in the public interest . . . require that the alien be paroled into the United States rather than be admitted as a refugee."

The Senate bill had no comparable provision.

The Conference substitute adopt the House version and provides for a sixty day delayed effective date on the parole limitation. The Conferees, in accepting the House limitation on the parole of refugees, recognize that it does not affect the Attorney General's authority under section 212(d)(5) of the Immigration and Nationality Act to parole aliens who are not deemed to be refugees. In adopting the delayed effective date, the Conferees wish to make it clear that existing refugee parole programs will continue until a consultation on future refugee admission programs is held under the terms of this legislation.

ADMISSION STATUS OF REFUGEES

The Senate Bill provided that refugees entering the United States under normal flow or additions to normal flow procedures would be admitted as lawful permanent residents. Those entering in emergency situations would be admitted conditionally or as lawful permanent residents in the discretion of the Attorney General.

The House amendment provided that all refugees entering the United States be admitted conditionally as "refugees" with retroactive adjustment of status to lawful permanent residents after two years.

The Conference substitute adopts the House version with adjustment of status permitted after a period of one year. It is the intent of the Conferees, in creating this new "refugee" status, that such individuals not be subjected to employment discrimination as a result of state or local licensing laws and that for purposes of such laws, they should be viewed as having the status of permanent resident aliens.

U.S. COORDINATOR FOR REFUGEE AFFAIRS

The House amendment provided for the establishment of a statutory Office of Refugee Policy in the Executive office of the President responsible for the development and coordination of U.S. refugee policy.

The Senate bill had no comparable position and would have permitted the status quo. (At the current time, under Presidential directive, the Office of the U.S. Coordinator for Refugee Affairs, headed by an Ambassador at Large, is located within the Department of State.)

The conference substitute provides for a statutory U.S. Coordinator for Refugee Affairs with the rank of Ambassador at Large, to be appointed by the President, by and with the advice and consent of the Senate. Given the various agencies involved in refugee assistance, both foreign and dometic, the conferees request that the President review the question of the location of the office of the U.S. Coordinator for Refugee Affairs, and advise the Congress within one year of date of enactment of this legislation of his decision concerning the appropriate location for such office.

HEW OFFICE OF REFUGEE RESETTLEMENT

The House bill established an Office of Refugee Resettlement within the Department of HEW (Health and Human Services).

The Senate had no comparable provision and would have permitted the President under existing law to designate which agency should be responsible for refugee resettlement activities.

The Conference substitute follows the House provision, but does not require that the Director report directly to the Secretary. However, it is the intention of the conferees that the Director should, unless and until a reorganization of the Department occurs, report directly to the Secretary; the conferees desire to maintain some flexibility in the statute for future administrative changes justified by experience. The conferees have provided that the function of the Office and its director are to be carried out in consultation with and under the general policy guidance of the U.S. Coordinator for Refugee Affairs.

PROGRAM OF INITIAL RESETTLEMENT

The Senate bill retained contracting authority for reception and placement grants in the Department of State.

The House amendment transferred the authority for resettlement and placement grants from the Department of State to the Department of HEW (Health and Human Services) in FY 1982. During FY 1980 and FY 1981 the House required coordination between the Department of State and the Department of HEW.

The Conference substitute adopts the House amendment with the following addition: The President is required to provide for a study of which agency is best able to administer the resettlement grant program and to report, not later than March 1, 1981, to the Congress on such study. If the President determines after such study that the Director should not administer the program he is authorized to designate the appropriate agency and/or official to carry out such responsibility.

SUPPORTIVE SERVICES

The Senate bill authorized necessary funds for projects and programs designed to assist refugees in becoming self-reliant (including English language and other training, and social and employment services.) The Senate bill also allocated $40 million annually for special projects.

The House amendment authorized $200 million over two fiscal years to fund refugee services, such as English language training, employment and social service training, health, social, and educational services.

The Conference substitute authorizes $200 million annually for supportive services to be funded through dicretionary grants and contracts. The Conferees intend that, wherever appropriate, the Director may expend certain of these funds through special projects which provide essential, coordinated, and effective resettlement services. It is the intent of the Conferees that the term "public or private non profit agencies" shall include state and local government agencies, private voluntary agencies, post-secondary educational institutions, as well as other qualified private non profit agencies.

CASH AND MEDICAL ASSISTANCE

The Senate bill authorized federal reimbursement for cash and medical assistance provided to refugees for two year after the refugee's arrival. The two year limitation did not apply during FY 1980.

The House amendment authorized similar reimbursement for a four year period after the refugee's arrival and the limitation did not apply during FY 1980 and 1981.

The Conference substitute adopts a reimbursement period of three years following the refugee's arrival and the three year limitation does not apply for FY 1980 and the first six months of FY 1981.

The Conferees intend to provide the Director sufficient flexibility, in providing cash and medical assistance and other assistance, to respond to the different problems and needs of the various refugee groups and to utilize proven resettlement techniques such as the current resettlement program for Soviet Jews.

CUBAN REFUGEE PROGRAM

The Senate bill provided for the continued phase down of the Cuban refugee program through FY 1983.

The House amendment had no comparable provision.

The Conference substitute adopts the Senate provision.

AUTHORIZATION PERIOD

The Senate bill provided for an open-ended authorization of funds for domestic resettlement activities.

The House amendment provided for a two year authorization of funds for domestic resettlement activities.

The Conference substitute adopts a three year authorization period.

SOCIAL SERVICES FOR CERTAIN ASYLUM APPLICANTS

The House amendment authorized reimbursement of State and local public agencies for assistance provided to aliens who applied for asylum before November 1, 1979 and who are awaiting determination of their claims. The House amendment also authorized the Attorney General to grant permission to engage in employment to these individuals pending determination of their claims.

The Senate bill had no comparable provision.

The Conference substitute adopts the House provision.

Edward M. Kennedy,
Birch Bayh,
Dennis DeConcini,
Strom Thurmond,
Al Simpson,
Managers on the Part of the Senate.
Peter W. Rodino,
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Herbert E. Harris II,
Michael D. Barnes,
Clement J. Zablocki,
Dante B. Fascell,
Hamilton Fish, Jr.,
John Buchanan,
Managers on the Part of the House.

APPENDIX III:

REFUGEE RESETTLEMENT IN THE U.S.: TIME FOR A NEW FOCUS

A Report
by

Julia Vadala Taft

David S. North

David A. Ford

with the Research and Editorial Assistance of

Robin Wagner and

Deacon Ritterbusch

This report was prepared for the Social Security Administration, Department of Health, Education and Welfare under grant no. 18-P-00100/3-01. The report does not necessarily represent the official opinion or policy of the Social Security Administration. The authors are solely responsible for the contents of this report.

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WARREN W. WIGGINS DIRECTOR

August 23, 1979

Senator Edward Kennedy
Chairman
Senate Judiciary Committee
U.S. Senate
Washington, D.C.

Dear Senator Kennedy:

During the past ten months I have been working on a study of refugee resettlement policies in the United States during the past twenty-five years. Enclosed is the final report which was prepared under a grant from the Social Security Administration. As you will see from the text, the study examines the historical, demographic, psychological and institutional contexts of resettlement programs, as well as an in depth look at the specific efforts for Chilean, Cuban, Hungarian, Indochinese, Kurdish and Soviet refugees.

Throughout the development of the report Jerry Tinker was a most helpful resource, and I wish to express my appreciation for his generous and able assistance.

The report contains 56 recommendations for modifying the current policies and procedures for refugee resettlement within the United States. As your Committee continues its deliberations on a National Refugee Policy, I hope you will find our suggestions useful. Please don't hesitate to let me know if you would like additional information.

With warm regard,

Sincerely,

Julia Taft

Julia Vadala Taft

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GLOSSARY OF ACRONYMS

ACNS	American Council of Nationalities Service
ACVA (also ACVAFS)	American Council of Voluntary Agencies (for Foreign Service)
ADC	Aid to Dependent Children
AFDC	Aid to Families with Dependent Children
AICC	American Immigration and Citizenship Conference
AID	Agency for International Development
CCBA	Chinese Consolidated Benevolent Association
CETA	Comprehensive Employment and Training Act
CRS	Catholic Relief Service
CWS	Church World Service
DOD	Department of Defense
DOL	Department of Labor
ESL	English as a Second Language
GAO	General Accounting Office
GPO	Government Printing Office
HEW	Department of Health, Education, and Welfare
HIAS	Hebrew Immigrant Aid Society
HMO	Health Maintenance Organization
IATF	Interagency Task Force (for Indochina Refugees)
ICA	International Cooperation Administration
ICEM	Intergovernmental Committee for European Migration
INS	Immigration and Naturalization Service
IRAP	Indochinese Refugee Assistance Program

IRS	Internal Revenue Service
LIRS	Lutheran Immigration and Refugee Service
PHS	Public Health Service
SSA	Social Security Administration
SSI	Supplemental Security Income
TQ	Transitional Quarter (for FY '76)
UNHCR	United Nations High Commissioner for Refugees
USES	United States Employment Service
USIA	United States Information Agency

EXECUTIVE SUMMARY

This study, *Refugee Resettlement in the U.S.: Time for a New Focus*, is an examination of U.S. refugee policies during the past twenty-five years. The central issues addressed in the study are what services should be provided to refugees in the U.S. and how should these services be organized and delivered?

The study is in three parts. Part I explores the historical, demographic, psychological and institutional contexts in which refugee resettlement programs have been undertaken in the U.S. Part II is an analysis of specific U.S. efforts to resettle Chilean, Cuban, Hungarian, Indochinese, Kurdish, and Soviet Jewish refugees. Also included are analyses of refugee resettlement efforts of some other nations. Part III contains the findings and recommendations of the study with regard to the composition and provision of resettlement services, strengthening the institutional relationships of public and private agencies providing services, and expanding the current data base.

A new focus is recommended which views refugees as only transitionally dependent populations, who initially need concentrated services such as English language and skills training, cross-cultural orientation and mental health services. A greater reliance needs to be placed on human investment services in order to decrease long-term reliance on maintenance programs. In this regard, the report emphasizes that every effort should be made to ensure that refugees categorically eligible for existing human services programs receive those services on the same basis as others in need. However, those programs need to be sensitive to the particular cultural and linguistic differences of the refugee clientele.

The study underscores the need for permanent authorizing legislation for refugee assistance and recommends that full Federal funding should support economic, medical, and social adjustment services to each eligible refugee for three years after his arrival. Thus, eligibility for 100% Federally funded services would be conferred on the individual rather than be based on a program which has a fixed termination date. Restructuring the cash assistance program is recommended to remove employable refugees from the current welfare system, either through a model similar to Unemployment Compensation or a program administered directly by the Social Security Administration. The study also recommends that eligibility for medical coverage not be tied to welfare eligibility and proposes a national health insurance package to which all refugees would be entitled. This is particularly important due to the fact that the kinds of jobs refugees tend to get initially have limited, if any, employer-employee health plan benefits.

To improve the institutions which serve the refugees, several recommendations are made, including strengthening the capacity of the Federal Executive Branch to oversee all refugee activities, developing a clearer delineation of the relationship between, and the responsibilities of, both the Federal Government and the voluntary resettlement agencies, and providing a more active role on the part of the Department of Labor.

The development of a consistent and coherent national refugee policy for the U.S. is long overdue and vitally necessary given the worldwide refugee situation. This study should provide a focus for the development of a national refugee policy consistent with our long-standing historical concern for uprooted and displaced people.

PREFACE

This study reviews the wide variety of approaches to refugee resettlement used in the United States during the past twenty-five years. The objectives of this study are 1) to describe past and continuing refugee resettlement strategies and to analyze the impact of those strategies on the ability of refugees to resettle effectively; 2) to explore the possibility of using new approaches to service delivery as well as different techniques for securing funding for these activities; and 3) to offer recommendations to practitioners and policymakers seeking to assure consistent, even-handed, and effective programs for all refugees admitted to the U.S.

The basic assumption on which this study rests is that the future will be like the past. There will continue to be normal, anticipated admissions of refugees annually, in addition to unforeseen groups of refugees admitted under crisis conditions.* Further, it is assumed that it will be necessary to resettle these persons as humanely and in as cost-effective a manner as possible.

Research techniques used included literature searches, semi-structured interviews of public and private agency officials who are, or were, active in major U.S. refugee resettlement activities and discussions with refugees. Analysis was made of enabling legislation, policy statements, and regulations prepared by Federal agencies, as well as operational instructions of voluntary resettlement agencies and State and local agencies. Reviews of relevant Congressional hearings, program evaluations, and published and unpublished statistical data were included, as well as selected scholarly works and anecdotal material about the resettlement experiences of Chilean, Cuban, Hungarian, Indochinese, Kurdish, and Soviet refugees in the U.S.

In addition to analyzing this nation's refugee resettlement experiences, the study includes an examination of goals, strategies, program models, and implementation techniques of other Western nations faced with similar challenges. The policies of Australia and Canada, in particular, were reviewed for their potential applicability to the U.S.

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*As an illustration of the cyclical nature of refugee programs, it is important to remember the Jewish refugees in the 1930s, the post-war displaced persons in the '40s; the Hungarians in the '50s; the Cubans in the '60s; and the Indochinese in the '70s.

This study is not meant to be the definitive evaluation of past or present refugee programs; nor does it address the questions of how many refugees the U.S. should accept and from which countries. Rather, it is a policy analysis of the complex issue of how best to identify and deliver the variety of assistance refugees need to enable them to become self-sufficient. When available, statistical sources and research findings have been used to substantiate statements about the quality of resettlement services. Where data were inconclusive or unavailable, judgments were made in drawing conclusions and in identifying areas which merit consideration and action.

This study is divided into three parts. Part I focuses on the context in which refugees have been admitted to the U.S., the profiles of these refugee populations, and the nature of assistance refugees need to overcome typical problems in resettlement. Also included are descriptions of the roles of the public and private agencies engaged in refugee assistance.

Part II is generally historical in nature and describes the complex, and often fragmented, efforts of our nation to resettle Chilean, Cuban, Hungarian, Indochinese, Kurdish, Soviet, and other refugees. In each chapter of Part II addressing major resettlement initiatives, policy approaches are analyzed and conclusions about lessons learned are drawn. A five-point analytical framework is used to address the following questions for each resettlement program:

1. What were the goals of the resettlement program; i.e., what needs of the refugees were to be met?
2. What resources were available to the program?
3. What services were offered to the refugees?
4. How were those services provided?
5. Is it possible to measure the effectiveness of some segments of the program and, if so, what worked and what did not?

Also included in Part II is a description of the resettlement efforts of some other nations.

Part III summarizes the findings of the study and offers three sets of recommendations. The first group of recommendations deals with the services to refugees and the context in which they are delivered; the second with the institutional arrangements for service delivery; and the third with the need for a broader data base for refugee policymakers and practitioners.

This study was made possible by a grant from the Family Assistance Studies Staff, Office of Research and Statistics, Social Security Administration (SSA). Throughout this study, we have been grateful for the continuing interest and cooperation of David Arnaudo of that Office, as well as for the help of Phil Holman, Director of the Special Programs Staff in SSA, who, along with his headquarters and field staff, has been most helpful in providing insights into the current approaches to domestic resettlement. We also gratefully acknowledge the assistance of other Department of Health, Education, and Welfare officials, as well as those in the Immigration and Naturalization Service, the Department of State, Ambassador-at-Large Dick Clark and the staff of the Office of the U.S. Coordinator for Refugee Affairs, and the staffs of Congressional committees who have an oversight responsibility for refugee programs.

The executive directors of all the traditional voluntary resettlement agencies, as well as headquarters and field personnel gave generously of their time and valuable experience during this project. We also wish to acknowledge the assistance of the Coalition for Effective Resettlement of Refugees and of the many State and local government officials, particularly in California, Florida, Iowa, Maryland, Texas, Virginia, and Washington State who shared with us their experiences, data, and recommendations. Further, we are most grateful to Roy L. Wynkoop, former Executive Officer of the former Welfare Administration, for sharing with us his very valuable report on the first six years of the Cuban refugee program.

In May 1979, the New TransCentury Foundation sponsored a Seminar on Innovations in Refugee Resettlement at the Belmont Conference Center in Elkridge, Maryland, at which 21 policymakers and practitioners discussed national refugee policy goals. Those participants deserve a special note of appreciation for their assistance in suggesting new approaches and developing a consensus on certain principles of resettlement. (They are listed in Appendix 1.) While their views may not be reflected throughout the entire report, each offered concepts and information which were most helpful. It is with appreciation that we acknowledge their contributions to this effort.

Throughout the course of the study, we endeavored to talk with refugees about their perceptions of the resettlement process. To those who were interviewed, we wish to extend our appreciation for their candid appraisal of their experiences and their constructive suggestions for improving services. In the final analysis, it is the refugees, themselves, who actually bear the responsibility for adjusting to their new homes. All public and private efforts to assist

in that process must be sensitive to the struggles the refugees have undergone, to their sense of dignity and pride in their heritage, and to their visions of the contributions they will make to their new society.

PART I: THE REFUGEE RESETTLEMENT PROCESS IN PERSPECTIVE

Introduction

This study is concerned with the refugee resettlement policies of the U.S. The central questions are what services should be provided to refugees who have been admitted to the U.S. and how should these services be organized and delivered? To put these questions in the appropriate perspective, Part I of the report summarizes the historical, demographic, psychological and institutional contexts in which refugee resettlement programs have been mounted in the U.S. The first chapter describes how our government makes decisions about admitting refugees, with an emphasis on those decisions made in the last twenty-five years. The second chapter deals with the admitted refugee populations as groups; the varying demographic profiles of the recently-admitted populations are described. In the third chapter, the focus is on the individual refugee, his immediate needs as he arrives in the nation, and the usual experiences he encounters in his own, personal resettlement process. The fourth chapter identifies the agencies, public and private, which seek to assist the refugee in this process.

PART I

CHAPTER 1: ADMISSION OF REFUGEES TO THE UNITED STATES

Historically, there have always been refugees present in the world, persons either expelled by, or who have fled from, oppressive regimes or hostile, dominant populaces. The American reaction has been far from uniform, with the U.S. taking, at different times, and vis-a-vis different populations, positions ranging from rigorous exclusion through laissez-faire to warm welcome. This chapter explores the current growing world-wide supply of refugees, the development of U.S. policies towards immigrants generally, and toward refugees in particular, and finally our specific refugee admissions decisions in the last twenty-five years. A basic understanding of how the nation decides to accept or reject a refugee is useful in assessing the services the nation provides to the refugee it does admit.

Refugees generally leave their homelands because of change: wars, new regimes, new attitudes and new borders create groups of refugees, and the more drastic the change, the more refugees. This century has been one of substantial change, marked, for example, by the rapid break-up of the continental empires of the Ottoman Turks and the Hapsburgs during World War I and the somewhat slower dissolution of the European overseas empires after World War II. The reverberations of the withdrawal of the colonial powers are still being felt in refugee camps all over Africa and Asia.

Kingsley Davis, the eminent demographer, contends that most international human migration in this century has been that of refugees who have been uprooted as a result of political events:

> "Between 1900 and 1970 independent nations multiplied two and a half times, from 56 to 142. The combination of political independence and economic weakness made the greatly expanded failings of under-developed states receptive to systems of government that promised short cuts to Utopia in exchange for political freedom. The wars, revolutions and ideological struggles that accompanied these changes not only uprooted people against their will, but also made migration a political instrument. Unlike slavery or kidnapping, the force was usually applied by the sending region rather than the receiving one and in the name of ethnic purity or ideological correctness rather than personal gain." [1]

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[1] Kingsley Davis, "The Migration of Human Populations," in The Human Population (New York: Scientific American, 1974) p. 60.

Davis estimates that between 1913 and 1968, 71.1 million persons were forced into international migration. When one divides Davis' estimate of the total flow by the fifty-five years in which those movements took place, it is clear that more than a million refugees a year were forced away from their homelands; unfortunately that pace has not slackened. Annual estimates of the numbers of refugees worldwide were about 11,200,000 in 1977, and about 13,200,000 in 1978. The distribution of refugees in 1978 was as follows:[2]

Area of Exile	Number of Refugees
Africa	3,440,797
Americas	598,622
Asia	6,326,930
Europe	194,731
Middle East	2,677,746
TOTAL	13,238,826

What has been the U.S. reaction to this worldwide phenomenon? The U.S. accepted in the period 1945 to early 1979 nearly 2,000,000 refugees.[3] The number is clearly a large one, and one that represents a substantial portion of the immigrants admitted in that period, but a modest proportion of the world's refugee population.

U.S. policies on this subject, specifically, and on immigrants, more generally, have been developing, fitfully, for centuries.

During the colonial days, when such decisions were made on the other side of the Atlantic, America was regarded as an appropriate dumping ground for populations that the British Establishment found distasteful but not so disruptive that execution was appropriate. Thus the Puritans and the Quakers were more or less exiled to the colonies, as were quantities of minor criminals and the urban poor.[4]

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[2] U.S. Committee for Refugees, 1978 World Refugee Survey Report (Washington, D.C.: USCR, 1978), p. 3.

[3] U.S. Congress, Senate, Committee on the Judiciary, The Refugee Act of 1979, S. 643; Hearing before the Committee on the Judiciary, United States Congress, 96th Cong., 1st Sess., March 14, 1979 (Washington: U.S.G.P.O., 1979), p. 193.

[4] See for example, Abbott Emerson Smith, Colonists in Bondage: White Servitude and Convict Labor in America 1607-1776. (Chapel Hill: University of North Carolina Press, 1947.)

When the United States became a nation, it decided, in effect, to have an open door immigration policy.[5] Anyone who could make his or her way to our shores was free to settle among us. There were neither quotas nor government-financed resettlement programs. Thus we had until 1875, a laissez-faire policy. Refugees from the European revolutions of 1830 and 1848, for example, came to the U.S. during this period, but they were treated no differently from other immigrants.

U.S. policies towards aliens became progressively less welcoming starting in 1875, when the first Immigration Act was passed (barring certain categories of aliens, such as coolie laborers and prostitutes) and culminating in 1921, when the U.S. passed the first of the country-of-origin quota laws. These laws not only established, for the first time in our history, numerical limits on the total number of immigrants, but also a system for assigning immigrant visas by nation of origin. The latter made it easy for potential immigrants from the Northern and Western European nations to come to the U.S., quite difficult for those from Southern or Eastern Europe, and next to impossible for those from Asia. This restrictive system remained in place until 1965, when in a period of liberalism and concern for human rights, the Congress passed the Immigration Amendments of 1965.

The immigration law was largely silent on the subject of refugees until after World War II.[6] Between 1875 and 1945 refugees were not regarded as different from other immigrants. If they met the admission criteria of the time they would be admitted; if not, they were excluded. Thus Jewish refugees from the pogroms of Czarist Russia fit into a class of admissible aliens during the first decade of this century and were accepted. Many of the Jewish refugees from Hitler's Germany, thirty years later, did not so qualify, and were not admitted.[7]

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[5] The importation of slaves, however, was made unlawful in 1808. For further information on the development of U.S. immigration and refugee policy see the first chapter of Elizabeth J. Harper, Immigration Laws of the United States 3rd ed. (New York: The Bobbs-Merrill Company, 1975), the second chapter of David S. North and Allen LeBel, Manpower and Immigration policies in the United States (Washington: The National Commission for Employment Policy, 1978) and John K. Speer, "America's Post War Refugee Measures," Interpreter Releases, Vol 48, No. 3, January 25, 1971 (New York: American Council for Nationalities Services).

[6] The earliest known reference to refugees in immigration law came in the 1917 legislation which required literacy tests of most immigrants, but excused those fleeing from religious persecution from this requirement.

[7] For a dramatic account of America's attitude at that time, see the motion picture "Voyage of the Damned," 1977, AVCO Embassy Pictures Corporation.

When World War II ended, the problems of some refugees were solved. The Free French who had spent the war outside their own country were able to return, for example. But for many others the problems were just beginning. Many natives of Eastern Europe who had fled from Nazi dictatorship did not want to return to live under Communist rule. Still others, living in East Europe at the time of the Communist takeovers, chose to flee to the West. Refugee camps of Western Europe were full of displaced persons, there being, according to one authoritative estimate, as many as 30,000,000 displaced persons in Europe in May, 1945.[8]

The private, voluntary agencies in the U.S., which were pressing for the admission of these refugees, worked out an understanding with the U.S. Government which resulted in the Truman Directive of December 22, 1945. That Directive called for the facilitation of the admission of displaced persons, under existing quotas, by directing U.S. consular officials (who issue visas to immigrants) to give preference to refugees over non-refugees. The voluntary agencies, in turn, guaranteed that they would meet all the costs of the resettlement program, and see to it that none of the refugees became public charges.[9]

The Truman Directive was the first in a 20-year-long series of executive and legislative acts which enabled the entrance of more refugees, without changing the nation's fundamentally ethnocentric country-of-origin system for distributing immigrant visas. There were two basic approaches to this theme. The first was through congressional enactment of such measures as the Displaced Persons Act of 1948, the Refugee Relief Act of 1953, and the Refugee-Escape Act of 1957 all of which provided short-term exceptions to the immigration law allowing the admission of refugees who would not otherwise be admissible.

The other approach was the Executive one in which the President would, as administrator of the immigration laws, interpret them to permit the temporary acceptance of refugees who would not, otherwise, have been allowed to enter the nation.

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[8] J. Verant, The Refugee and the Postwar World (New Haven: Yale University Press, 1953) p. 30, as cited by Gerald E. Dirks, Canada's Refugee Policy (Montreal and London: McGill-Queens University Press, 1977) p.289.

[9] The Papers of Harry S. Truman (quoted in a telephone conversation with the Truman Library, Independence, Mo. July, 1979).

A brief immersion into the language of the Immigration and Naturalization Services (INS) is in order, at this point, as five words need to be defined:

- immigrant - an alien legally entitled to live the rest of his life in the U.S. if he so desires and if he stays out of major legal trouble. Such a person is also called a permanent resident alien and carries a document known as the "green card." After the passage of time, most refugees in the U.S. secure this status.

- nonimmigrant - an alien admitted to the U.S. for a specific length of time and for a specific purpose. Visitors, foreign students and diplomats are three of the numerous categories of nonimmigrants. Some refugees pass through this status while in the U.S.

- admission - a definitive ruling by an INS official (generally made at a port of entry) that an immigrant or a nonimmigrant may enter (be admitted to) the U.S.

- parole - a tentative ruling by an INS official that a person may enter the U.S.; most refugees are allowed to enter the nation as a parolee or as a conditional entrant, a roughly similar condition, but based on a different provision of the law.

- adjustment of status - parolees, conditional entrants and nonimmigrants (under the right sets of circumstances) may, without leaving the country, adjust their status to that of immigrant. Generally refugees must wait for two years in parolee, or conditional entrant status before applying for adjustment; however, unless there is special legislation, refugees must wait for available numbers for their country of origin. Thus, the delay in many cases could be for many years. Special legislation was enacted for the Hungarians in 1958, the Cubans in 1966, and the Indochinese in 1977 to provide immigrant status after two years without regard to numerical limitation.

During the two decades following the end of the War, American Presidents, acting through their Attorneys-General, frequently made use of their powers as administrators of the immigration laws to parole refugees into the nation. Whereas it can be argued that the parole authority was granted by Congress for urgent and individual exceptions to the immigration law,[10] Presidents have repeatedly used it to admit large numbers of aliens. - The Congress in 1952 revised the Immigration and Nationality Act, preserving the country-of-origin quota system, despite President Truman's sustained efforts to discard it, but at the same time writing the parole system into the law.[11] The Congress did not, however, define how it should be used.

During the last twenty-five years the nation has used the parole authority to admit three major groups of refugees, and numerous smaller ones. The first of the major groups were the Hungarians, some 38,000 of them, who were admitted in late 1956 and during 1957, following the collapse of the attempted anti-Communist revolution. In this instance, most of the refugees fled on foot to Austria and Yugoslavia, the nations of first asylum. Only a minority of the some 200,000 Hungarian refugees came to the U.S., about an equal number went to Canada, and most of the rest resettled elsewhere in Europe. About 6,500 of the Hungarians were admitted under the terms of the previously mentioned Refugee Relief Act of 1953, while the rest were paroled in by the President.

The second of the major groups were the Cubans, who began drifting into the United States when the Batista regime showed signs of imminent collapse in late 1958, and then in larger numbers as Castro took power on January 1, 1959. The total reached a quarter of a million by the time of the Cuban Missile Crisis, in October 1962. Relations between the two nations deteriorated, direct travel between the two nations was ended, and the flow of refugees from Cuba slowed until the inauguration of the airlift in 1965. The total number of Cuban refugees has reached 750,000, making it the largest refugee movement in U.S. history. Unlike the Hungarians, most of the Cubans came to the U.S. as the nation of first asylum and few of them settled anywhere but in the U.S.

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[10] Two examples of such urgent and individual uses of the parole authority can be cited; it could be used to permit the entrance of a non-admissable alien seriously hurt in an accident which occurred just on the other side of the border, the nearest U.S. hospital being a mile away but the nearest hospital in the other nation being fifty miles away. Similarly, a noted alien criminal, who would be otherwise barred from the U.S., could be permitted to enter the country solely to testify at a U.S. criminal trial, and then be escorted back out of the country.

[11] Section 212(d) (5) of the Immigration and Nationality Act of 1952 states: "The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States."

Cuban refugees were largely admitted outside the normal operations of the immigration law. At the end of Fiscal Year 1962, for example, INS reported that of the 125,800 Cubans in the country at the time, 62,500 were in parole status, 6,500 were (nonimmigrant) visitors, and 56,800 were visitors who had formally overstayed their period of admission, but who had been permitted to stay for an indefinite period.

In 1965 the country-of-origin visa allocation system was finally repealed, and the U.S., for the first time in its history, wrote into continuing legislation provisions for the acceptance of refugees. The 1965 Immigration Amendments provided for the year-after-year acceptance of a limited number of narrowly defined refugees, those fleeing from Communist regimes and from the continuing turmoil in the Middle East. The 1965 Amendments allowed for the conditional entry of 10,200 normal flow refugees, a number which was increased, by the 1978 Amendments, to 17,400. The allocations have been filled each year, generally, by refugees from Eastern European countries, by Chinese refugees who managed to reach Hong Kong, and by a variety of persons, such as Kurds, Jews, and Arabs fleeing from Middle Eastern tensions.[12]

Refugees are defined by the Immigration and Nationality Act, as amended, as:

> aliens..."(A) that (i) because of persecution or fear of persecution on account of race, religion, or political opinion they have fled (I) from any Communist of Communist-dominated country or area, or (II) from any country within the general area of the Middle East, and (ii) are unable or unwilling to return to such country or area on account of race, religion or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made; or (B) that they are persons uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode...."
>
> (Section 203(a) (7))

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[12] Of the 106,080 conditional entrants admitted under the 1965 Act by September 30, 1977, 22,929 were from Yugoslavia, 27,563 were from other Eastern European nations, 15,830 from USSR, 14,277 from China and 14,960 from other Asian countries (Indochina and Iraq primarily). See INS Annual Report, 1977, Table 6E.

The distinctions between the U.S. definition and that of the United Nations are essentially geographical and ideological. The definition of refugee adopted by the United Nations follows:

> "Any person, who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or, who not having a nationality and being outside the country of his normal habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it."

This definition is contained in the 1951 Convention Related to the Status of Refugees, and was incorporated in the 1967 Protocol on the Status of Refugees, to which the U.S. became a signatory on November 11, 1968. The Congress, however, has not adopted the U.N. definition.

Despite the more open attitude towards refugees reflected in the 1965 legislation, the Ford and Carter Administrations had to use the parole mechanism when the fall of the non-Communist governments of South Vietnam, Cambodia and Laos created the most recent wave of refugees. Most of the 200,000 plus refugees accepted from Indochina (with an exception of a few conditional entrants) entered as parolees.

Currently, draft legislation is under consideration by Congress which would provide for the admission in immigrant status of up to 50,000 "normal flow" refugees annually. The 50,000 level may be raised by the President if he determines that it is in the national interest that additional refugees should be included in the "normal flow". Another section of the proposed bill provides procedures for the acceptance of refugees in unforeseen emergency situations. Refugees entering through this provision would come as conditional entrants.

Although most arriving refugees are delighted to be in a safe land when they finally arrive in the U.S., no matter how their entrance was accomplished, their status as parolee or conditional entrant becomes a troublesome one, because their rights are more limited than those of immigrants (and, of course, than those of citizens). This is a subject which will be discussed throughout the report.

PART I

CHAPTER 2: PROFILES OF REFUGEE POPULATIONS

Policymakers need to be familiar with the characteristics of the populations they seek to serve, if they want to serve them effectively. Clearly different groups of persons have different needs, different frames of reference, and different desires. To provide programs that ignore those differences is, in many instances, counter-productive. This chapter describes how refugee populations are selected, sketches the resulting demographic profiles of recent U.S. refugee populations, and finally, explores the policy and service-delivery implications of these profiles.

Most refugees in recent decades have fled from other human beings -- not from natural disasters; most are, to use a broad definition, political refugees. While an erupting volcano will turn all of its neighbors, from prince to peasant, into refugees, in the sense of forcing them all to leave their homes, political events are often more selective in that certain kinds of persons are more likely to be forced by such events to leave their homeland than others. Further, different events have different consequences in terms of the demographic characteristics of the refugee populations that the events create. Thus some populations of refugees are younger than others; some have more children than others; some are predominantly male; and some predominantly female.

Despite these demographic differences, refugee populations have much in common. All refugees, by definition, have been exiled from their homeland; most are in strange surroundings; virtually all of the adults must find new ways of supporting themselves; and all experience varying degrees of strain as a result. Further, five general statements can be made about resettled refugee populations. Such populations are:

1. the product of a negative selection process; they have been selected out in some way by their former homeland;
2. the product of a positive selection process; they have been selected in by the host nation;
3. to some extent accidentally selected;
4. often not homogeneous;
5. often have characteristics which vary with the date of their arrival (i.e., earlier waves of the same nationality of refugees are different from later ones).

The most obvious of these statements is the first one;

refugees *are* refugees because they have been forced to flee from their homelands. (Persons who simply decide to leave their homeland voluntarily are called immigrants.) But, refugees are rarely a cross-section of the population of any nation; they are likely to have been forced out of their nation for one or more of the following reasons:

- *Politics*. The Hungarian revolutionaries who fled *to* America after losing to the Communists in the 1950s, and the Loyalists who fled *from* America in the 18th Century after losing the American Revolution, both belong in this category. Political refugees sometimes return to their land of origin, either because strife has ended and old feuds forgotten (as in the case of Spain recently) or because the refugees have become the Establishment. Lenin, once a refugee in Switzerland, returned to Russia, came to power, causing Czarist (White) Russians to become refugees in turn.

- *Race and ethnicity*. Probably most of the refugees in the world are in this category, particularly those in Africa. Thus there are black refugees from white rule in Rhodesia/Zimbabwe, and white ones from black rule in Angola and Mozambique; black refugees from violent internal conflicts within Nigeria and Rwanda and the Asians expelled from Uganda by Idi Amin. The Hmong tribesmen as well as the ethnic Chinese, among the current Indochinese refugees in the U.S., suffered from ethnic discrimination in their homelands.

- *Religion*. The Muslim-Hindu division in the subcontinent have created millions of refugees (and a couple of new nations, Pakistan and Bangladesh). Historically, the Pilgrims came to Massachusetts and the Quakers to Pennsylvania as religious refugees, as did the Mennonites and Hutterites to Canada.

- *Some combination of the above*. A number of refugee populations have been forced to leave their homelands because of several of these factors; the Jews who fled Hitler's Germany are in this category.[1]

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[1] There are those who would argue that one more category should be added, that of "economic refugee." While neither the United Nations nor the U.S. recognize such persons as refugees, there has been substantial debate on the issue, and it should be mentioned here. There are at least two subclasses among the economic refugees; first, there are those fleeing from poverty so drastic that they are fleeing from virtual starvation. Secondly, there are instances in which one's ability to earn a living may be conditioned by one's political activity or lack of it, in which case the status of economic refugee may blur into that of political refugee. There is sufficient ambiguity in some economic refugee situations to warrant further debate and investigation.

While negative selection factors force a segment of a population out of a given nation, that rarely assures the arrival in the host nation of all who were ejected or who fled. Typically, there is a second filtering process by which the host nation chooses among the available refugees. There is a continuing surplus of such persons, and host nations can, and do, pick and choose among the refugee populations.[2]

The positive selection of refugees has two phases, the macro and the micro. First the receiving nation (unless it is a nation of first asylum, as Thailand and Malaysia are to the Indochinese refugees) decides which of the world's populations of refugees it will accept. Thus, the U.S. is currently accepting large numbers of Indochinese refugees, as well as limited numbers of others from Eastern Europe and the Middle East.

Australia accepts some Indochinese refugees and is preparing to cope with white Rhodesians in the near future. Sweden, which has accepted a high proportion of refugees to its population, has no apparent interest in the Rhodesians, but has resettled a number of Chileans fleeing that nation's right-wing government, as well as thousands of Assyrians, members of an obscure Christian sect in Turkey.

After the macro decision has been made, the government then decides who among the refugees (within the selected population) are to be admitted. Preference is often given to those with skills, those with relatives in the host nation, and those who have previously served the interests of the host nation. On the other hand, obvious criminals, people with communicable diseases and the handicapped tend to be excluded.

The result of these two quite separate selection processes, those of the expelling and those of the welcoming governments, is the refugee population admitted for resettlement. Sometimes these populations -- at least initially -- are relatively homogeneous. The Hungarian rebels were largely middle class in origin, fairly well educated, and an urban population. Ethnically they were Magyars and linguistically they spoke Hungarian. The first waves of Cuban refugees were similarly homogeneous.

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[2] While the selection process is usually self-serving, sometimes it is the reverse; thus, during World Refugee Year, 1959-1960, Canada specifically chose to make room for displaced persons with tuberculosis, and subsequently several Scandinavian nations have deliberately selected handicapped refugees.

On the other hand, the Indochinese refugees consist of several distinct subgroups. There are, for example, the largely urbanized Vietnamese, the Cambodians, the lowland Lao, and the mountain tribesmen, the Hmong. Each group speaks a separate tongue, and in the case of the Hmong, a hill people with relatively little contact with the Twentieth Century, there is no written language. Clearly one cannot use the same set of resettlement tactics for all Indochinese refugees.[1]

Sometimes the lack of homogeneity results from accidents which often play a role in the selection process, particularly in wartime. Thus, while many enlisted men in the Vietnamese Army had no opportunity to become refugees, many of their opposite numbers in the Vietnamese Navy were able to escape. Similarly, some Vietnamese fisherfolk who may not have intended to flee the country were swept up in the evacuation following the collapse of the Government of South Vietnam.

Some refugee movements happen quickly and are soon over. This was the case with the Hungarians. Others continue, as have those of the Cubans and the Indochinese. There is a pattern of changing characteristics among such flows. The first to leave are the wealthiest members of the recently-ousted establishments: the planters, landlords, bankers and high government officials; next come the professionals, other businessmen and middle level government officials; then persons lower on the occupational scale, as well as continuing flows of relatives of all of the above. Generally it is the most assertive, the most prominent and the most ideological who leave the nation first.

Given the dynamics of the refugee selection processes, what are the results? While a large number of variables might be studied, the focus here will be on the following characteristics of refugee populations:

- aggregate size of the population;
- relative size of that population, compared to that of the ethnic community in the U.S. at the time of the refugees' arrival;

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[1] For a description of five distinct cultural-geographical groups within the Soviet Jewish refugee population, see Jerome M. Gilison, ed., The Soviet Jewish Emigre, Proceedings of the National Symposium on the Integration of Soviet Jews into the American Jewish Community (Baltimore: Baltimore Hebrew College, December 26-27, 1976) pp. 64-70.

- distribution of the refugee populaton across the nation;
- sex and age ratios (which affect labor force participation rates);
- occupational background (in homeland) and years of education; and
- extent of the cultural gap between homeland society and that of the U.S.

Refugee populations come in a variety of sizes; the United States admitted about one thousand Kurds[4] in the 1970s when they became refugees after the Government of Iran stopped supporting their revolt against the Government of neighboring Iraq. The Hungarian refugees numbered about 38,000. By June 1, 1979, the U.S. had admitted more than 200,000 Indochinese refugees, and approximately 750,000 Cuban refugees.

Some refugees arriving in the U.S. find that there are substantial communities of their own landsmen (e.g., the Soviet Jews) and some do not (e.g., the Kurds). Table 1 shows the relative size of the refugee groups and that of the existing ethnic communities. For every Hungarian refugee in 1957, there were 18 U.S. residents of Hungarian descent. The arriving Cubans, on the other hand, in the first five years, almost equaled the size of the existing community, and the Indochinese refugees outnumbered the resident Indochinese by a margin of more than 11 to 1. At that time approximately 90% of the U.S. residents of Vietnamese descent were women, largely servicemen's spouses.

The initial distribution of the refugee population within the U.S. is another variable, one over which the Government can exercise some influence. It can attempt to distribute newly arrived refugees around the nation (as it did with the Indochinese), and it can seek to influence the post-arrival distribution of refugees through a series of incentive and disincentive programs (as it sought to do with the Cubans). The Hungarians settled in major cities in the Northeastern quadrant of the U.S., where there were existing communities; the Cubans (thinking initially that Castro was a short-term phenomenon) wanted to stay in Southern Florida, and most of them did so. The secondary migration of the Indochinese

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[4] INS information on this subject is imprecise, as those data are not collected on the basis of ethnicity, only on the basis of nation of birth, citizenship and last residence. The Kurds are an ethnic group spread over several Middle Eastern nations.

TABLE 1

Relative Sizes of Incoming Refugee Populations and Comparable Ethnic Community in the U.S. at the Time of Arrival

(numbers rounded to nearest thousand)

Refugee Population	Size of Flow (1)	Size of Existing Community (2)	Ratio of Column 1 to Column 2
Hungarian	38,000 (1956-1958)	705,000 (1950)	1: 18
Cuban	250,000 (1958-1963)	277,000 (1960)	1: 1.1
Indochinese	204,000 (1975-1979)	18,000 (1975)	11.3: 1

Sources: Flow data: Hungarians from *INS Annual Report, 1958*, Table 10B; Cuban, *INS Annual Report, 1963*, page 4; Indochinese, by telephone from Indochinese Refugee Assistance Program, Social Security Administration, Department of HEW. Existing community data: for Hungarians, U.S. Census data on foreign born and native born of foreign or mixed parentage from *Historical Statistics of the U.S., Colonial Times to 1970*, Series C-195-227 and Series C-228-295; for Cubans, foreign born (79,000) from Series C-228-295; native born of foreign or mixed parentage estimate derived by using the national ratio between native born of foreign or mixed parentage and foreign born for all countries in 1950; for Indochinese, total of Vietnamese, Cambodian and Laotian aliens who filed alien registration cards in 1975 (13,474), *INS Annual Report, 1975*, Table 34, and number of Vietnamese naturalized, 1966-1975, (4,342), *INS Annual Reports*, 1966-1975, Table 44. (INS does not break out naturalization data for Cambodians and Laotians, and did not do so for the Vietnamese prior to 1966, when there were 18 naturalizations.)

within the U.S. is described in more detail in Appendix 2. To summarize those data, it appears that during a 12-month span (January 1977 to January 1978) there were substantial net movements of Indochinese refugees South and West, as well as additional clustering in areas where there were colonies of their countrymen.

As noted earlier, different refugee-causing events create different demographic mixes of refugee populations. As Table 2 indicates, in terms of age and sex distributions, the profiles of specific refugee populations are often quite different from each other, as well as from the U.S. population as a whole, and for immigrants generally. Thus, there are majorities of women in the U.S. population, in recent cohorts of immigrants (with that of 1975 being used as an example), and among the Cuban refugees. The four other refugee populations, particularly the Hungarians, were male-dominated.

Some refugee populations contain high percentages of children (e.g., Indochinese, Hong Kong Chinese) and others very low percentages (the Hungarians). The incidence of children also bears on the median age of refugee populations, with the Soviet and Cuban refugee populations being above the U.S. norm, and that of the Indochinese remarkably below it. Populations with few children tend to have more workers (i.e., a higher labor force participation rate). Similarly, all else being equal, one would assume that predominantly male populations would have higher labor force participation rates than predominantly female populations, a subject to be discussed later.

Another significant group of variables regarding the potential economic adjustment is the educational and occupational background that the workers among the refugees bring to the U.S. High-status occupation in the former country, however, does not assure it in this country; in fact, the argument is often made, in Barry Stein's words, "Generally, the higher one's former occupational status, the worse the adjustment. As occupational status (in the homeland) declines, the likelihood increases that one will attain or surpass former levels."[5]

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[5] Barry M. Stein, "Occupational Adjustment of Refugees: The Vietnamese in the United States," International Migration Review 13 (Spring 1979): 38.

TABLE 2

Demographic Profiles of Selected Refugee and Non-Refugee Populations in the U.S.

POPULATION	SEX RATIO (% Female)	AGE RATIO (% Under 15)	MEDIAN AGE (Years) Men	MEDIAN AGE (Years) Women	MEDIAN AGE (Years) Total
Non-Refugee Populations					
U.S. Population, 1975	51.3	25.1	27.6	30.0	28.8
Arriving Immigrants, FY 1975	53.2	25.5	24.4	24.5	24.4
Refugee Populations					
Hungarians, 1957-1958	38.1	16.7	n/a	n/a	25.2
Hong Kong Chinese, 1966	49.7	38.5	n/a	n/a	20.5
Cubans, 1967-1976	55.0	19.0	n/a	n/a	37.3*
Soviet Jews, 1971-1975 (HIAS-assisted)	48.4	19.3	29.5	32.3	30.8
Indochinese, 1975	45.3	38.7	20.0	19.5	19.6

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*There is a measurement difference here, since the median age recorded is at adjustment to permanent resident alien status, not at arrival; since the Cuban refugees had to wait at least two years prior to adjustment, the 37.3 median age probably would have to be reduced three to four years to make the data comparable with that of the other refugee populations.

Sources: U.S. Population data from Statistical Abstract of the U.S., 1976, Tables 24 and 28 FY 1975 immigrants, from INS Annual Report, 1975, Tables 10 and 10A; Hungarian data from INS Annual Report, 1958, Table 10B; Hong Kong Chinese data from INS Annual Report, 1966, Table 14B; Cuban data from U.S. Department of Justice, Report of the Task Force on Immigration Law and Policy, pp. 167-68 (forthcoming); data on Soviet Jews derived from American Jewish Year Book, 1977, p. 166; and Indochinese data derived from Interagency Task Force for Indochina Refugees, Report to Congress, Dec. 15, 1975.

Two other researchers, Skinner and Hendricks, point out:

> "The employment situation for many refugees is perceived by some ... as being one of "underemployment;" that is, that they are employed in jobs below those for which they are qualified. More accurately, the statement that refugees are underemployed refers to the fact that many are in jobs of lower status and salaries than those held in Vietnam. One of the consequences of displacement from one culture to another is that qualifications and occupational status achieved within the institutional structures and value system of one's own culture are often irrelevant in another. The inference of statements that refugees are "underemployed," however, is that somehow they are being deprived of occupational positions which should be theirs. But this ignores fundamental implications of sudden movement to a radically different society ..."[6]

Clearly if the education and the employment of the arriving refugee has been in people-related, country-specific matters, transition is more difficult than if the background has been in the more transferrable physical sciences, such as medicine, physics or biology. Refugee physicians and dentists are often singled out for special training in English, and professional skills upgrading for recertification, but refugee admirals, judges and politicians are rarely offered such opportunities.

One of the major difficulties in occupational adjustments of refugees is an understandable lack of comprehension of the fluidity of the U.S. labor market. Refugees in the U.S. not only often have to take less prestigious jobs than those held in the old country, but also this downward occupational movement is made even more traumatic because they do not realize that upward job mobility is an important factor in American life. They do not realize that taking a job washing dishes is not a life-time assignment; that today's dishwasher may well be tomorrow's chef or maître d'.

Many refugee populations come to the U.S. with substantial academic credentials, as Table 3 indicates. Generally, the level of education of succeeding movements of refugees, from

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[6] Kenneth A. Skinner and Glenn L. Hendricks, "Indochinese Refugees: An Emerging Ethnic Minority," a paper presented at the 77th Annual Meeting of the American Anthropological Association, November 14-18, 1978, Los Angeles, California.

TABLE 3

Distribution of Educational Attainment of Hungarian, Cuban, and Indochinese Refugees on Arrival in the U.S.
(as percents)

HUNGARIAN		CUBAN		INDOCHINESE	
Less than 4 years	.1	Less than 4th Grade	4.0	None	1.3
Elementary 4 year course	36.8	4th Grade to 11th Grade	60.0	Elementary	16.7
Technical 4 year course	29.1	12th Grade to 3 years of college	23.5	Secondary	47.8
Gymnasium 8 year course	20.5	4 or more years of college	12.5	University	22.9
University 4 year course	10.6			Post Graduate	4.5
Post Graduate Degrees	2.7			Not Available	6.8
Total	99.8	Total	100.0	Total	100.0
N =	5,721	N =	1,085	N =	30,628

Sources: Hungarian data from unpublished data of the President's Committee for Hungarian Refugee Relief; data are for a sample of 5,721 refugees 16 years of age and older, seeking employment in the U.S. (data were obtained during employment interviews). Cuban data from Richard R. Fagen, Richard A. Brody, and Thomas J. O'Leary, Cubans in Exile: Disaffection and the Revolution (Stanford: Stanford University Press, 1968), p. 19; data were drawn from a sample of the roster of Cuban refugees who registered with the Refugee Center in Miami. The authors conclude that the extent of schooling of the refugees as a whole is probably understated by these data, because the most affluent (and best educated) of the refugees did not register with the Center because they did not need its services. Data for the Indochinese refugees were drawn from Interagency Task Force for Indochina Refugees, Report to the Congress, December 15, 1975, p. 12; data are for 30,628 heads of household drawn from a sampling of 124,457 people.

a given location, tends to drop over time. The first refugees are not only the more prominent (or the more militant) but they are also likely to have secured more years of schooling.

The occupational distribution of four refugee populations, immigrants generally and of the U.S. population, is displayed in Table 4. All the refugee populations have higher percentages of professionals than the U.S. population, with that of the Soviet Jews being particularly high. Hidden within the "other blue collar" category for the Hungarians is a high proportion of craftsmen; 28.7% of the Hungarian refugees in the labor force were craftsmen, about double the proportion of the U.S. labor force at that time.

The size of the gap between the culture of the homeland, again generally defined, and that of the host nation plays a major role in the resettlement process. While such differences are difficult to quantify, they are apparent. If the homeland society is more or less organized as that of the U.S., then refugees can make the transition more easily; if not, it is more difficult. Of the four major refugee movements we have been describing, the cultural gap was probably greater for the Indochinese (particularly the Hmong) and for those from the Soviet Union than it was for either the Hungarians (who had lived under Communism for a relatively short period) or for the Cubans (who grew up in a nearby, capitalist nation). Some of the remarkable problems faced by Soviet Jews, as they seek to accommodate to the strange ways of a pluralistic, market-oriented society, have been described in several useful publications.[7]

What are the policy and service-delivery implications of the demographic profiles of the refugee populations? Obviously it is easier for the government and its private sector allies to resettle smaller groups of refugees than larger ones (although, as we will argue presently, sometimes the smallest of the refugee populations, such as the Kurds and the Chileans, suffer because their numbers are small). It also helps to have the refugees arrive over time, rather than all at once (although emergencies often bring out the best in people and in institutions).

It is also easier to handle a refugee movement if there are supporting ethnic communities in place, as there were for

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[7] See for example Joseph Edelman, "Soviet Jews in the United States: A Profile," American Jewish Year Book 1977 (Philadelphia: Jewish Publication Society of America) pp. 157-181, and Gilison, The Soviet Jewish Emigre, op. cit.

TABLE 4

Distribution of Occupation of Selected Refugee and Non-Refugee Populations in the U.S.

(as percents)

	NON-REFUGEE POPULATIONS		REFUGEE POPULATIONS			
Occupational Grouping	U.S. Workers Generally, 1976	Arriving Immigrants FY 1976	Hungarians	Cubans	Soviet Jewish	Indochinese
Professional, Technical	15.2	26.6	17.4	25.0	48.3	34.0
Other White Collar	34.7	19.6	14.7	43.0	16.3	12.7
Total White Collar	49.9	46.2	32.1	68.0	64.6	46.7
Service Workers	13.7	13.4	4.7	9.0	14.9	8.2
Agricultural & Related	3.2	4.9	4.0	3.0	-	5.7
Other Blue Collar	33.1	35.4	59.2	20.0	20.5	39.4
Total Blue Collar	50.0	53.7	67.9	32.0	35.4	53.3
TOTAL BOTH GROUPS	99.9	99.9	100.0	100.0	100.0	100.0
Number with reported occupations	87,485,000	154,654	24,986	55,354	7,376	28,203

Sources: U.S. workers from *Statistical Abstract of the U.S., 1977*, Table 661; FY 1976 immigrants from *INS Annual Report, 1976*, Table 10A; Hungarian refugee data from *INS Annual Report, 1958*, Table 10B; Cuban data from Richard R. Fagen, Richard A. Brody, and Thomas J. O'Leary, *Cubans in Exile: Disaffection and the Revolution* (Stanford: Stanford University Press, 1968), p. 19; data for Soviet Jewish refugees were compiled by Hebrew Immigration Aid Society (HIAS) for refugees assisted by that organization in calendar year 1978; Indochinese data from Interagency Task Force for Indochina Refugees, *Report to the Congress*, December 15, 1975, p. 13.

the Hungarians and there are for the Soviet Jews. It should be noted that earlier waves of refugees, as in the cases of the Cubans and the Indochinese, can create--over time--supportive ethnic communities for later arrivals.

The question of distribution of refugee populations is a difficult one; hopefully there is a happy middle ground -- perhaps clusters of several hundred or more -- between a random sowing of migrants all over the nation, and the concentration on one city, which marked the early stages of the Cuban exodus.

There has been little written about the interaction between the sex and age ratios of refugee populations and their labor market experiences. The different models presented by the Hungarian and Indochinese populations are cases in point. Because of the relatively low incidence of women and children among the Hungarian refugees, fully 65.7% of those refugees were labor force participants, compared to 40.7% for the entire U.S. population at the time.[8] Further, three out of every ten Hungarian refugee workers were craftsmen, ready for jobs where a complete command of English is not mandatory. Finally, this predominantly male population (and even more predominantly male labor force) arrived when the male unemployment rate for the nation was 3.8%.[9]

The Indochinese model was quite different; while 65.7% of the Hungarian refugees were in the labor market in 1957, in 1976 it appears that only 38.4% of the Indochinese were working (a subject covered in more detail in Part II, Chapter 4). A substantial part of the difference presumably relates to the different demographic profiles of the two groups, i.e., the larger incidence of women and children among the Indochinese refugees.

The next chapter focuses on the individual, rather than the group, and outlines some of the problems faced by specific refugees and the variety of processes that each refugee encounters during his entry into American society.

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[8] Both percentages are for the entire population of all ages. Hungarian refugee labor force participation rate derived from Immigration and Naturalization Service, INS Annual Report, 1958 (Washington: INS, 1958), Table 108; U.S. data computed from U.S. Department of Commerce, Historical Statistics of the U.S. (Washington: U.S.G.P.O., 1975), p. 8, and U.S. Department of Labor, Employment and Training Report of the President, 1977 (Washington: U.S.G.P.O., 1977), Table A-1.

[9] Employment and Training Report of the President, 1977, Table A-1.

PART I

CHAPTER 3: NEEDS OF INDIVIDUAL REFUGEES DURING RESETTLEMENT

Volumes could be written on the needs of the individual refugee and his experiences as he flees from his homeland, stays in a camp in the nation of first asylum enters the U.S., and eventually (in most cases) makes a successful life for himself in the new land. The purpose here is more modest, a brief review of the typical needs and experiences of an individual refugee as background to subsequent descriptions of resettlement programs for groups of such refugees. The refugee's experiences and needs can be divided into three phases:

- journey to the U.S.;
- initial reception and placement; and
- long-term resettlement.

What follows is a brief description of the common elements in the experiences of most refugees. Not all refugees go through all the steps enumerated; former political leaders having independent wealth simply need a safe place to reside; others, such as the most unfortunate of the Vietnamese boat people, do not survive long enough to have resettlement experiences. Most refugees, however, face most of the needs and the experiences recounted below.[1]

A. Journey to the U.S.

This phase of a refugee's life can be divided into eight segments.

- Flight. The refugee's initial experience, as a refugee, is flight from his homeland (or a decision not to return there). For many, this is a decision made, or implemented, in the middle of the night; it is often a dangerous and/or expensive undertaking. As time passes, patterns of exodus often become more regularized and the element of danger decreases. Thus all Hungarian refugees, all Indochinese refugees to date, and the first waves of the Cubans fled under crisis conditions. The later waves of Cubans, and virtually all of the Chileans and Soviet Jews, on the other hand, left their homelands peacefully, with the consent of their governments. While the latter departures are non-violent, they are not trouble-free. Those within the U.S.S.R. and Cuba take substantial risks when they tell the authorities of their desire to leave the nation.

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[1] An exhibit, showing the very different ways the United States and Canada organize their resources to meet these individual refugee needs, is included in Part II, Chapter 5.

- Choosing the U.S. The next step, often taken at the same time as deciding to flee, is that of choosing the hoped-for nation of resettlement. Typically, except in the case of the early groups of Cuban refugees, the refugee has to make his desire to come to America known to a U.S. official before he can be considered for admission to the U.S. This step is of particular importance in the case of the Soviets, all of whom must declare they want to go to Israel, in order to secure a U.S.S.R exit visa. Soviet officials insist on this requirement, despite the fact that they know that many of the refugees really want to come to the U.S. Soviet Jews leave the U.S.S.R. via Vienna; those coming to the U.S. then go to Rome where arrangements are made for the balance of the trip.

- Being Chosen by the U.S. The U.S. has used different criteria and different administrative procedures to select refugees at different times. In all refugee movements, except for that of the Cuban boat people, there is such a selection process, and it is usually handled by INS officers (while immigrants are screened overseas by consular officers of the Department of State). Much of the initial interviewing and data verification in the current Indochinese refugee program is done by voluntary agency staff members, but final selection is made by INS, which is also responsible for security clearances.

- Coping with Camp Life. In many refugee movements, the refugee spends some time in a camp in the country of first asylum. Many displaced persons after World War II spent months--and, in many cases, years--waiting to be resettled elsewhere. Similarly, there are camps for Vietnamese boat people in Malaysia, Indonesia, the Philippines, and Hong Kong and for Indo-Chinese who escaped over land, there are camps in Thailand.

- Voluntary Agency Assignment. At some point in the early stages of refugee movements in which voluntary resettlement agencies are involved, each refugee family or individual is assigned to a specific voluntary agency which will provide sponsorship to help the refugee with the resettlement process. Sometimes, as in the Cuban program, these assignments are made after arrival. In the current Indochinese operation, the assignments are made, and sponsors located, prior to the refugee's departure from the nation of first asylum.

- *Travel*. Today's refugee is usually airborne. Once the selection process has been completed (assuming non-crisis conditions) the refugee is placed on a chartered plane or a regular carrier for the flight to the U.S. These arrangements are often complex because land transportation to the airport, INS clearances, and resettlement agency notifications must be coordinated. If they are not, seats are wasted or refugees arrive in the States when and where they are not expected. The Intergovernmental Committee for European Migration (ICEM) is the international organization administering the transportation scheduling.

- *Port of Entry Clearance*. Although the individual refugee has been selected for travel to the U.S., he must be screened again at the port of entry (generally an international airport) in the U.S. by another INS official. This is usually a formality, as few refugees are denied entry. At this point, ideally, the refugee is met by a voluntary resettlement agency representative who helps him through the formalities and on to his ultimate destination.

- *Reception Centers in the U.S.* Some refugees flow through reception centers within the U.S., in addition to spending time in camps abroad. The Hungarians, who had been in Austrian camps, were first taken to Camp Kilmer[2] (near New Brunswick, N.J.) and then were resettled elsewhere in the U.S. Most of the Indochinese who arrived in 1975 were first housed in hastily prepared reception areas in the Western Pacific; then were assigned to one of four military camps in California, Arkansas, Florida, and Pennsylvania. A few of the refugees with strong ties to individuals in the U.S. or with independent means went directly into the resettlement process without voluntary agency sponsorship and without staying in the stateside reception centers. Such centers tend to be used within the U.S. only when large numbers of refugees arrive in a short period of time.

B. Initial Reception and Placement

During this phase the refugee starts to encounter the mainstream of American life, as distinguished from the largely governmental aspects of it which he experienced on his way to this country.

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[2] The camp was later formally renamed the Joyce Kilmer Reception Center to avoid any negative connotations associated with the word "camp." See Arthur A. Markowitz, "Humanitarianism Versus Restrictionism: The United States and the Hungarian Refugees," *International Migration Review* 7 (Spring, 1973): 48.

• Reception. After clearing the port of entry, or leaving the stateside center, the refugee generally travels again, this time within the U.S., to the resettlement site where his sponsor (a family, an individual, a church group) is waiting for him. (The role of sponsors in covered in the next chapter.) The sponsor is supposed to greet him at the airport or bus stop, show him around his new community, and take care of his immediate needs.

• Housing. The most immediate need is usually a place to stay. Refugees are often placed in the sponsor's home, a hotel or motel for a few days until more permanent arrangements can be made. Such arrangements are almost always made in the private sector in the U.S., as public housing is relatively scarce and often has long waiting lists. Sometimes, however, privately-owned, publicly-subsidized housing is located for refugees. Often the refugee arrives with clothing that is more appropriate for the tropics than Minneapolis in the winter, for example, and the resettlement agencies try to meet this need as well.

• Orientation. Each arriving refugee must quickly learn a great deal about his new surroundings. While he may have received some information about U.S. life in the overseas camp, and probably did receive such information if he lived in a stateside reception center, he needs specific orientation to his new community, its facilities and its customs. Orientation is a responsibility of the resettlement agencies and varies from the adequate to the skimpy. If the refugee is in touch with relatives in the new community, and if those relatives have been in the U.S. long enough to absorb a substantial understanding of it, the orientation process for the newcomer is an easier one.

• Income. Like everyone else, the refugee needs a source of income; few arrive with any savings. Ideally, the refugee quickly secures a job and becomes self-supporting. The voluntary resettlement agency may provide a cash grant to bridge the gap between arrival and the first paycheck. Not all resettlement agencies make such grants, although all receive a standard payment from the U.S. Government, a subject covered in more detail in Part II. If the refugee cannot secure needed funds from a job, from the resettlement agency or from friends and relatives, he will probably turn to the welfare system, which is described below.

C. The Longer Term Resettlement

Over time, the needs of a refugee are no different from those of other people: health, economic security, personal happiness, a sense of playing a useful role in the larger world. For the sake of this quick overview, the refugee's longer-term needs--those which persist beyond the initial resettlement phase described above--are clustered into five broad categories.

- Family. Refugees are often torn from their families. Unlike immigrants, they have not made their international move deliberately and have not been able to say their goodbyes. Further, unlike immigrants, refugees generally do not have the opportunity, even if they have the money, to visit their families in the homeland. In many cases, refugees do not even know where their families are (in the U.S., in the homeland, or in some refugee camp in a nation of first asylum). Refugees who have made it to the U.S. are often plagued by guilt about the people they left behind. Learning about, locating, and if possible, rejoining one's relatives are extremely important to refugees. The nationwide, tollfree hotline operated by IRAP of HEW is used extensively by refugees seeking information on members of their families. In fact, half of the calls made to this line are concerned with locating relatives.[3]

- Economic. The refugee's need for an income, of course, continues. For many, the need is met by a job, although in many cases the job is below the level of the last one held in the old country. In order to secure a better job in the U.S., many refugees seek to learn English; some also enroll in vocational programs or continue with undergraduate or graduate studies.

For those who cannot secure jobs immediately, the Aid to Families with Dependent Children (AFDC) program is available to refugees with sufficiently low incomes. Over a third of the Indochinese refugees were partially or totally supported by this program at the end of 1978. Refugees who can be viewed as permanently unable to earn a living, because of age, blindness or disability, can apply for Supplemental Security Income (SSI) benefits.

One of the ironies of the resettlement program is that refugees, far more than other Americans, are forced into either private sector employment or public sector welfare. The third option, public employment or publicly-funded training for employment, is available to only a tiny minority of the refugees. This is the case because aliens (including refugees) are largely barred from Federal employment, may have a difficult time securing state and substate public employment because of their parole status and are unlikely to secure public training opportunities (through CETA and other Federally-funded but locally operated programs) because of their lack of political clout. Perhaps the greatest of these ironies is the decision of the Defense Department that refugees who fought in the Vietnam War are ineligible to enlist in the U.S. military, despite their recent combat experience.

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[3] Source: Weekly profiles of hotline calls prepared by Indochinese Refugee Assistance Program, Social Security Administration, Department of Health, Education, and Welfare.

- Health. Refugee health needs vary somewhat from those of the rest of the population. Some refugee groups are older than the U.S. norm, and some are younger, with the usual health implications. To a degree the most severe health problems have been sorted out, by the non-survival of the feebler among the boat people, for example, and by the exclusion of most of the handicapped in the selection process. On the other hand, prolonged stays in refugee camps under unsanitary conditions have caused a series of health problems for those finally accepted into the U.S. (One of the arguments for admitting refugees quickly is that the nation receives a healthier cohort of people than if it waits a year or two and then admits the same group of persons.)

Individual refugees, because of the turmoil they have experienced, and because of separation from families, may be more likely to encounter mental health problems than other people. Providing mental health services across substantial social and linguistic gaps is particularly difficult. It is much easier for an Indochinese physician to fix a badly broken leg of an American, and vice versa, than it is for an Indochinese psychiatrist to cope with a badly wounded American psyche, and vice versa.

- Social. The social needs of refugees are like those of the rest of us, if we had endured war, involuntary international movement, immersion into a strange culture, separation from friends and families, and assorted other traumas and indignities. There is a need to find strength from one's countrymen (as reflected in the previously mentioned secondary migration of the Indochinese) and to learn to cope with the majority culture. That need to cope is more of a challenge for some groups than others. Cubans who stay in Miami can live in a largely Cuban world, without too much concern for how the majority thinks, talks and acts. On the other hand, the one Indochinese family in a small town in South Dakota must face a much more sweeping set of social adjustments. Whereas the Government seeks to be helpful on family reunification matters, and provides substantial economic and health related services, it has little to offer in this sphere.

- Legal. As mentioned earlier, most refugees enter the nation in a less-than-immigrant status, which makes it more difficult for them to secure some jobs and some benefits than immigrants or citizens. In many states, a resident parolee or conditional entrant, for example, must pay non-resident tuition to a state university, which would not be required of any immigrant or a citizen. A widespread problem related to the quality of refugee-related services is the legal barrier in many state and substate jurisdictions to the employment of aliens who have not achieved immigrant status.[4] Thus a jurisdiction, such as San Diego County (California), was unable for years to hire otherwise qualified refugees to provide outreach, translation and other services despite the large concentration of refugees needing such services.

Two of the processes which refugees go through in the course of their resettlement are, first, to apply for permanent resident alien (immigrant) status from INS, and second, generally years later, to apply for citizenship.

The next chapter describes briefly the agencies, public and private, which handle the various processes and refugee problems noted here.

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[4] For more on the disadvantages of the lack of permanent resident alien status, see the testimony of William Males, HIAS, in Senate Judiciary Committee, The Refugee Act of 1979, Hearing, March 14, 1979, op.cit., p. 54-55. See also David Carliner, The Rights of Aliens (New York: Avon Books, 1977), pp. 119-133 for a general discussion on the rights of aliens to work in the U.S.

PART I

CHAPTER 4: ORGANIZATIONS ENGAGED IN REFUGEE RESETTLEMENT

During the past three decades, numerous humanitarian policies for refugee resettlement have been carved out by statutory and executive authority. Cooperative relationships have developed between the Governmental sector and the private voluntary sector, which traditionally has assumed a leadership role in providing assistance to refugees. Further, each sector has enlarged the scope of its activities so that meeting the refugees' basic needs is now considered to include much more than the provision of food, clothing and shelter. Tools to achieve the long-range goal of self-sufficiency such as job training, skills upgrading, counseling, and cultural orientation are now considered essential elements of a good resettlement strategy.

A. Definition of Resettlement

For the purposes of this study, we have used the following definition of resettlement:

> "Resettlement is the process of finding a new home, obtaining adequate employment, and developing the ability to function in a new society, while retaining a sense of appreciation and pride for one's cultural heritage."

It is within the context of that definition that the study analyzes the roles and responsibilities of the many public and private agencies which assist refugees towards resettlement. There are four key groups of resettlement practitioners: the U.S. Government, the traditional voluntary resettlement agencies, State and local governments, and the refugee self-help or mutual assistance groups.

B. Federal Agencies

Both the Legislative and the Executive branches of the U.S. Government have played significant roles in the resettlement of refugees; the Judicial branch has yet to be involved. The Congress passed the legislation making the refugee admissions possible, approved other legislation authorizing the resettlement programs, and appropriated the funds needed to operate them. Since this report is directed to the Executive branch, it does not dwell on Congressional decision-making, some of which has been outlined earlier.

Four Executive departments, State, Justice, HEW, and sometimes Defense, carry out most of the Government's

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responsibilities in the refugee field. In addition, from time to time -- generally responding to crises -- Presidents have created ad hoc structures within the Executive branch.

State. The Department of State performs three major refugee-related functions: it plays a leading role in forming the Nation's policies regarding the admission of paroled refugees (i.e., those not admitted as part of the normal flow as seventh preference conditional entrants); it facilitates (and helps finance) the housing, care and transportation of refugees overseas; and it aids, through per capita grants, the voluntary resettlement agencies' domestic resettlement programs.

It is the Department of State which shapes the Nation's macro-selection processes vis-a-vis refugees, although the Attorney General formally paroles them into the U.S. The Department of State also encourages other nations to accept refugees for first asylum, and for ultimate resettlement. (As part of the latter process, the State Department provides Israel with funds to help resettle refugees from the Soviet Union and other Eastern bloc nations.)

Most of the State Department's refugee activities are extended through international organizations, such as the United Nations High Commissioner for Refugees, which helps support refugee camps in nations of first asylum, the International Committee of the Red Cross, which is engaged in related work and ICEM mentioned earlier, which specializes in handling international travel arrangement for refugees all over the world.

The State Department's third function is to help finance the voluntary resettlement agencies. This is something of an anomaly for the Department, because this is its only domestic program. Further, although the resettlement agency funds are spent largely for services provided within the U.S., most of the agreements for these grants are signed in Geneva with their international affiliates. Per capita grants, in differing amounts at different times, are made to the voluntary agencies by the State Department. For example, in the Indochinese program the initial amount was $500 per refugee, which fell to $300, and as this is written, is now at the $350 level. It is expected to rise to $500 in FY '80. For the Soviets and other Eastern European refugees, the grant is currently $250 and will become $350 per capita in FY '80. The amount of the grant is not based on the actual cost of resettlement -- which is higher -- but appears to be a compromise between the State Department and the resettlement agencies on an amount which the Office of Management and

Budget and Congress would find acceptable.[1] The fiscal relationships between the Government and the resettlement agencies are described in more detail in the four chapters on specific refugee movements in Part II.

State Department expenditures on refugee matters are not inconsiderable. For example, in the period between the collapse of the former Government of South Vietnam and April 15, 1979, the General Accounting Office (GAO) estimates that the U.S. appropriated $513.1 million to the Department of State for refugee programs, compared to the $505.4 million used for refugee purposes by HEW.[2]

Most of the State Department's expenditures are for overseas activities. The FY '78 actual expenditures on the State Department's first two sets of functions (primarily conducted overseas) came to $52,593,000, while its payments to the voluntary agencies amounted to $25,776,000.[3]

Justice. The Justice Department participates in five phases of the refugee admission and resettlement process. It assists in the macro-selection process previously described, with the Attorney General using his parole authority to admit refugees when sufficient numbers are not available in seventh preference. INS, an arm of the Justice Department, plays a major role in the micro-selection overseas of the conditional entrants and parolees. It also screens the refugees again, at the ports of entry, adjusts their status from that of parolee or conditional entrant to that of permanent resident alien, when the refugees apply for this status generally two years after the arrival. Finally, it examines those who apply for citizenship, usually several years after securing permanent resident alien status.

Since the Justice Department's functions are administrative only, the funds allocated to it for refugee activities are considerably smaller than those appropriated to State or HEW.

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[1] See January 19, 1979 letter to Secretary of State Cyrus Vance from John E. McCarthy, Chairman of the Committee on Migration and Refugee Affairs of the American Council of Voluntary Agencies for Foreign Service, Inc.

[2] Comptroller General of the U.S., Response to the Indochinese Exodus--A Humanitarian Dilemma (Washington: U.S.G.A.O., April 24, 1979), p. 100.

[3] Executive Office of the President, The Budget of the United States Government, Fiscal Year 1980; Appendix (Washington: U.S.G.P.O., 1979) p. 683.

For this reason, there is no line item in the 1980 budget for INS's services to refugees.

HEW. HEW funds the basic continuing support services for the refugees after their arrival in the U.S. The prevailing policy is that refugees are entitled to services on the same basis as U.S. citizens in need, and that every effort should be made to place the refugees in the mainstream of existing service structures. In special circumstances, however, the existing systems are either inappropriate or underfunded, thus creating a need for specially funded services. Moreover, the extent of HEW's oversight and funding responsibility varies considerably depending on the groups of refugees involved. The political and economic climate at the time the refugees are admitted and the areas in which they resettle are strong determinants of the level of support assistance, as will be explained in Part II of this study.

It is more convenient to describe the HEW services to refugees if the three elements in the Department are ordered differently, i.e., welfare, health, and education.

HEW's largest expenditures for refugees are for income maintenance. In recent years, low income refugees who, because of advanced age, blindness or other disability, appear to be permanently incapable of supporting themselves, are placed on the rolls of SSI, a Federally-financed program operated directly by SSA. Only a tiny minority of the Nation's 4.2 million SSI recipients are refugees.

Refugees who are not too old, blind or disabled to work, but who have inadequate incomes, are temporarily placed on the equivalent of AFDC, a program which is the responsibility of the Office of Family Assistance of the Social Security Administration, but which, unlike SSI, is administered through the network of State and county human services or welfare agencies. AFDC, like SSI, makes cash benefits available to its beneficiaries, but unlike SSI, a portion of the basic grants are State-funded. The AFDC programs have been handled quite differently for different groups of refugees in recent years.

The Kurds, the Chileans and other groups of refugees for whom no special programs have been devised, may apply for AFDC benefits only if they meet the usual regulations of the States where they live. If eligible, the State pays part of the benefits, as it does for other eligible populations, and the Federal Government pays the rest.

A major departure from this categorical approach exists for the Cubans and Indochinese. States providing Cuban refugees with cash through AFDC or general assistance programs currently are reimbursed by HEW for 85% of the costs not covered by Federal funding under the public assistance titles of the Social Security Act. Until July 1978 the reimbursement rate was 100%; however, in 1978 the program began a six-year phasedown in reimbursement costs which will terminate at the end of 1983.

Indochinese refugees whose incomes are sufficiently low may receive an AFDC-like benefit even if they are single persons, childless couples or intact families. Their cash assistance benefits are 100% Federally funded.

All persons eligible for SSI and AFDC are automatically eligible for Medicaid, the Federal-State supported program providing medical care to low income persons. It is through this program that HEW supplies medical care to refugees, paying for 100% of the costs for the Indochinese, 85% for those of the Cubans, and the normal Federal share for medical services to other refugees eligible under Medicaid.

One of the patterns of HEW expenditures, a subject covered in more detail in Part II Chapter 4, is the heavy concentration on maintenance payments (cash assistance and medical care) as opposed to human development programs (education, counseling, vocational training, etc.). For example, HEW made the following expenditures on Indochinese refugees from FY '78 funds:

HEW INDOCHINESE REFUGEE ASSISTANCE PROGRAM

FY '78[4]

Category	Amount
Cash Assistance - non SSI	54,500,000
SSI (estimated)[5]	8,170,000
Medical Assistance	22,600,000
Administration (state Level)	10,100,000
Maintenance and Administration Total	95,270,000
Social Services	13,800,000
Special Projects[6]	9,800,000
Human Resources Total	23,600,000
TOTAL	$118,870,000

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[4] Source: All categories, except SSI estimate, from Indochinese Refugee Assistance Program, Social Security Administration, and Department of Health, Education, and Welfare.

[5] Assuming an average monthly payment of $189.40 for twelve months to each of the 3,594 SSI beneficiaries among the refugees, reported on October 1, 1978, in U.S. Department of Health, Education and Welfare Report to Congress: Indochinese Refugee Assistance Program (Washington: HEW, December 31, 1978), Table 5.

[6] Mostly job-oriented programs, but includes $2.8 million in mental health programs.

The expenditure of HEW funds for the education of refugees follows no set pattern. For years, the heavily-impacted Dade County school system received substantial financial assistance for the education of Cuban refugee children. By FY '78, it received $11.8 million; a slightly lower amount is scheduled for this fiscal year, as the program slowly phases down.

During the first phase of the Indochinese refugee program, formula grants were made to school districts across the Nation for their 5-17 year old Indochinese refugees, and project funds were awarded for adult education projects. These funds were last appropriated in FY '77, when there was $18.5 million in the former category and a little more than $10 million in the latter.[7] Although programs for the education of Indochinese refugees were re-authorized in the fall of 1978, no funds were appropriated for them for FY '79. For FY '80, Congressional conferences have agreed on $2.5 million for Indochinese adult education.

No special funds have been either authorized or appropriated for the education of other groups of refugees. The limited extent to which the needs of refugee children have been met by on-going Federal aid to education programs, such as bilingual education, is described in Part II, Chapter 4.

Defense. The Department of Defense (DOD) either plays a major role in a refugee resettlement program or it plays none at all. Called into action when sudden large movements of refugees are on the horizon, DOD's immense logistical capabilities are used to transport and to house large groups of refugees until the civilian agencies can take over the resettlement process. In the Hungarian program, for example, military ships and planes brought the refugees to Camp Kilmer, which was run by the Army. In the early stages of the Indochinese program the military assisted in the evacuation of refugees from South Vietnam, provided essential services when they were placed in Western Pacific military facilities, and then moved them to four military bases in the States, which were used as staging areas for the resettlement effort. The military was not involved in the Cuban program, however, nor the smaller programs such as for the Kurds, Chileans or Soviets.

Ad Hoc Arrangements. Just as the military is called upon in times of crisis to help with refugee matters, so Presidents tend to react to crisis refugee situations with ad hoc administrative arrangements.

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[7] HEW, Report to Congress December 31, 1978, op. cit., p. 6.

The Indochinese refugee situation caused the creation of two different management entities. Following the fall of the Saigon Government in April, 1975, President Ford established the Interagency Task Force for Indochinese Refugees. The Task Force directed the interagency effort to move the refugees from Southeast Asia through the Western Pacific transit centers, through the four Stateside camps and into the resettlement process. The crisis stage was regarded as terminated on December 31, 1975 when the Task Force completed its work.

To organize the Government's response to the plight of the Hungarian refugees, President Eisenhower on December 12, 1956 created the President's Committee for Hungarian Refugee Relief, chaired by Tracey S. Voorhees.[8] It coordinated that resettlement effort until it went out of business on May 14, 1957.

Most recently, the Office of the U.S. Coordinator for Refugee Affairs, headed by Ambassador-at-Large Dick Clark, was established by President Carter in February, 1979, for policy oversight and coordination responsibility in both domestic and overseas refugee-related matters. That Office, within the State Department, not only encompasses the functions of State's Office of Refugee and Migration Affairs, but also serves as the focal point within the Executive branch for budgetary review and liaison with Congress, State, local and foreign governments in refugee-related matters, and is charged with program direction and coordination across all Federal agencies. In the latter capacity the Coordinator chairs the Interagency Working Group on Refugees comprised of senior officials from agencies with refugee concerns. The establishment of this Office and the Interagency Working Group are major steps forward in the Administration's effort to rationalize and coordinate refugee policies more effectively.

C. Traditional Voluntary Resettlement Agencies

Since World War II the voluntary resettlement agencies have been the most eloquent and effective advocates for refugee admission. Throughout the years they have been the organizations in most direct contact with the refugees, as they have assumed responsibility for the day-to-day pre-migration counseling, reception, placement and other resettlement efforts.

The voluntary resettlement agencies traditionally provided assistance without government financial support, using their own financial resources and volunteers to provide services to refugees. The Cuban, Soviet and Indochinese programs, however, have been accompanied by per capita grants to the resettlement agencies, although this funding does not cover actual costs of resettlement.

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[8] White House, press release, December 12, 1956.

The non-sectarian agencies have normally relied upon sponsorship of refugees by individuals or community groups or have taken on the assignment of sponsors directly, relying upon a network of local offices staffed by caseworkers. The religiously-affiliated agencies have normally linked refugees with their diocesan structures or local churches which provide direct services to refugees.

For the purposes of this report we are using a *de facto* definition of a voluntary agency as an entity through which the U.S. Government ensures the resettlement of refugees in the U.S. The current (July 1, 1979) list of such entitites can be found in Table 5. Clearly this is, despite their common concern in refugee resettlement, a mixed collection of organizations, some much larger than others, some new to the field, many with decades of experience. Table 5 shows the extent to which these agencies have been involved in the listed refugee movements, as well as membership or nonmembership in the American Council of Voluntary Agencies for Foreign Service, Inc., the umbrella agency.

Currently there are four refugee programs in which the Government provides funds for resettlement agencies. The State Department provides per capita resettlement grants for Indochinese refugees ($350) and Soviet, Eastern European and other refugees ($250) in differing amounts. The Cuban placement programs, funded by HEW, at the moment are too small to justify a per capita system of fund allocations, but some small grants were made. The only matching grant program among the four is HEW's $1,000 per capita program for Eastern European refugees, which is primarily for Soviet Jews. The $1,000 grant covers long term resettlement services rather than just the reception and placement expenses.

The largest of the resettlement agencies is the Migration and Refugee Services of the U.S. Catholic Conference, which operates as an arm of the Catholic Church. There are three Protestant resettlement agencies: the Lutheran Immigration and Refugee Service; the World Relief Services, a new entity among the resettlement agencies which relates to the Evangelical churches; and Church World Service, which works through other (non-Lutheran and non-Evangelical) Protestant churches.

HIAS (Hebrew Immigrant Aid Society) offers its assistance to refugees through a network of Jewish Family Service agencies. Ravtov (a Hebrew word meaning approximately "much good") is a newcomer to the field, specializing in the resettlement of religiously conservative Jews.

The Tolstoy Foundation was created earlier in this century to help White Russian refugees, particularly those in the arts;

TABLE 5

Refugee Resettlement Activities of Voluntary Agencies, July, 1979

	STATE DEPARTMENT-FUNDED PLACEMENT GRANTS				HEW FUNDED PROGRAMS		
	FY '79 Indochinese Program		FY '79 European Program		FY '78 Cuban Program		1979 European Program Block Grant (000$)1/
Voluntary Agency	Number of Refugees	Total Grant (000$)1/	Number of Refugees	Total Grant (000$)1/	Number of Refugees	Total Grant (000$)1/	
*American Council for Nationalities Service	4,800	1,680	-	-	-	-	33
*American Fund for Czechoslovak Refugees	750	263	77	19	-	-	33
*Church World Service	2,250	788	-	-	21	10	-
*Hebrew Immigrant Aid Society	900	315	7,792	1,948	-	-	8,000
*International Rescue Comm.	3,500	1,225	893	223	35	10	586
State of Iowa	500	175	-	-	-	-	-
*Lutheran Immigration and Refugee Service	3,700	1,295	-	-	-	-	15**
*Polish American Immigration and Relief Committee, Inc.	-	-	81	20	-	-	-
Ravtov	-	-	341	85	-	-	232
*Tolstoy Foundation	600	210	274	69	-	-	150
*U.S. Catholic Conference	12,500	4,375	1,164	291	1,066	40	100
*World Relief Services	500	18	-	-	-	-	-

*Member of the American Council of Voluntary Agencies.

**Predicted total; contract not signed as of this date.

1/ numbers rounded to nearest thousand.

Source: Telephone conversations with State and IRAP, HEW, and with ACVA.

the Polish and Czechoslovakian organizations were similarly created to assist refugees from those nations.

The two non-ethnic, non-religious, non-governmental entities on the list are the International Rescue Committee, which operates through branch offices, and the American Council for Nationalities Service (ACNS). The latter is a nationwide umbrella organization of local immigrant-serving agencies, often called International Institutes. ACNS also publishes the highly useful newsletter for those concerned with refugee and immigration matters, Interpreter Releases.

The State of Iowa, because of Governor Robert Ray's strong interest in the subject, became, in the sense used here, a voluntary agency in 1975. Iowa has concentrated on the resettlement problems of the Tai Dam tribesmen.[9]

Each of these agencies operates with its own guidelines and program delivery systems. While there is a wide disparity in the procedures used to resettle refugees, each agency must agree to provide services leading to self-sufficiency. The multitude and diversity of the various resettlement structures has created numerous problems with regard to equity and quality of treatment for refugees. These issues will be examined in Part II.

It is interesting to note that of all the agencies currently utilized for resettlement services, none is primarily Hispanic or Oriental, although during the past decade the overwhelming majority of the refugees resettled were Cuban or Indochinese. The extent to which existing agencies are sensitive to the ethnic, cultural, and religious diversity of current refugees is an issue which is explored in this report. It is a continuing challenge to the resettlement agencies to adapt to the changing complexion of refugee movements in a manner which promotes cross-cultural appreciation rather than antipathy or paternalism.

D. State and Local Governments

State and local governments play a critical role in refugee resettlement. We have been told on numerous occasions by State and county officials that the Federal Government admits refugees, but refugees are not resettled on Federal land -- they are resettled in individual States. Because refugees come under the jurisdiction of the States in which they reside, it is understandable that States are concerned about the fiscal impact of the refugees on State-supported services. County officials are even more adamant about the resources required to cope with resettling refugees in local communities, resources which are scarce and usually barely sufficient for providing services to already existing dependent populations. In the case of refugee groups where there is a particularly large cultural gap, there are very limited special services available to help meet the needs of these groups. These comments, of course, are made with special vigor in those areas in which there are substantial concentrations of refugees, and the extent of such concentrations has varied with the various refugee movements. The Hungarian refugees, for example, did not encounter this reaction, as there were few of them and they were scattered widely. The Cuban movement, on the other hand, was massive and went largely into southern Florida. There have been some noticeable clusters of Indochinese refugees in New Orleans, Texas, and southern California, but these appear minor when compared to the Miami experience.

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[9] The Travelers Aid International (which resettled 532 Indochinese refugees) and the Chinese Consolidated Benevolent Association (which resettled 900 refugees) are no longer on the State Department's list of active voluntary agency grantees, nor are the States of Maine, New Mexico, Oklahoma, and Washington, or Jackson County (Missouri) and Indianapolis (Indiana), all of which played that role in 1975.

State and local governments view newly-arrived refugees as a segment (and hopefully a passing one) of the dependent population, which has a variety of needs, such as cash, medical care, education, housing, job placement assistance, and counseling. Some of the needs of the refugees are met directly and fully with Federal funds, some are partially met with Federal funds, and some are not met at all. Thus the State and the local governments play the role of conduits of Federal funds when they are available, and do the best they can for the refugees when the funds are not sufficient. While local tax revenues are sometimes spent to meet refugee needs, such funds come from sources related to the needs of the disadvantaged generally; rarely are State or substate funds appropriated specifically for refugees.

Cash assistance and medical care funds are relatively available and are generally expended through the State and country welfare networks. These same networks administer the limited social services funds made available by HEW, buying a variety of supporting services (such as language instruction, vocational training, counseling, mental health services, referral and interpreting services). And sometimes there are, as noted earlier, Federal funds to help school districts educate refugee children.

Interestingly, while HEW reimburses States for 100% cash assistance costs for Indochinese refugees, the Department of Labor has made no comparable arrangements for any refugees served by either the Employment Service or CETA programs, opting not to focus on these State and local systems as methods of helping the refugees become self-supporting. Similarly, there appears to be no special refugee funding available in such areas as housing, small business development, community development, etc.

How states and localities organize to deal with refugee resettlement programs is particularly important to the effectiveness of these activities. It is clear that, given the scattering of Federal activities administered through various State, substate and private systems, no single program coordination can be (or is) imposed from Washington down. The level of interest expressed by Governors in refugee resettlement programs is an important variable, and when the Governor plays a strong role, program effectiveness in that state is enhanced. Similarly, at the county level, where resettlement actually occurs, it is very useful if the various public and private agencies involved can coordinate their efforts and avoid duplication. Two highly successful examples of this kind of grassroots program coordination, the Indochinese Refugee Forum of Orange County (California) and the Puget Sound Resettlement Forum (Washington State) will be described more thoroughly later.

E. Mutual Assistance Groups

Typically, refugees who come to this country are able to adjust more effectively if they can be received within a community which is ethnically similar.[10] The pattern of refugees receiving assistance from earlier arrivals is a persistent one in the resettlement process. The self-help groups often are community or neighborhood oriented, rather than national in focus. For groups of refugees who have had no receptive community of peers into which they resettle, the absence of support groups can become a catalyst for newly-arrived refugees to form associations of their own quickly. Often these are developed around a religious organization or a former leader who is also a refugee. Examples during the Indochinese refugee program are the mutual assistance groups which emerged from the Buddhist Churches and the Lao Family Community, Inc. (a Hmong organization) founded by former military leader, Vang Pao.

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[10] The importance of the ethnic community in assimilation and acculturation has been explored in, among others, Eleanor Meyer Rogg, The Assimilation of Cuban Exiles: The Role of Community and Class (New York: Aberdeen Press, 1974); Skinner and Hendricks, "Indochinese Refugees," op. cit.; and William T. Liu, et. al., Transition to Nowhere; Vietnamese Refugees in America (Nashville: Charter House Publishers, Ltd., 1979).

The voluntary resettlement agencies have provided other groups with seed money and office space to assist the refugees in developing their own counseling and outreach programs. While most of the groups begin modestly, with time many are able to increase their ability to serve as effective advocates in generating appropriate services for their fellow refugees.

Mutual assistance groups, as well as refugees who are not affiliated with specific organizations, are excellent resources in designing and providing services to refugees and should be encouraged to participate at all levels in resettlement programming.

F. Summary

A variety of institutional linkages have been worked out to integrate the functions of these sets of actors, with different groups having principal responsibility at different stages in the resettlement process. Although at the Federal level the programs may appear to be fragmented and uncoordinated, one frequently finds at the local levels a high degree of interaction by various refugee assistance groups. The patterns of interaction throughout recent years, however, range the full spectrum from non-existent to sophisticated, depending on the resettlement location, the type of refugee to be served, the nature of the Federal commitment, and the philosophy and capability of the sponsoring resettlement agencies.

A well-conceived national policy for refugee assistance must be cognizant of the roles of all the actors and should provide incentives for the effective interaction of these elements at all levels of policy development and program implementation.

Part II describes how the public and private agencies have dealt with the individual and collective problems of the major groups of refugees to arrive in America.

PART II: MAJOR RESETTLEMENT APPROACHES

Introduction

Part I of this report sketched the background for U.S. refugee resettlement programs, the history of U.S. refugee admissions policies, as well as the demographic, psychological and institutional frameworks for these programs. The discussion of specific resettlement programs in this section includes both a description of and an assessment of each of them. The latter is based on a five-point analytical framework which addresses the following questions about each program:

1. What were its goals? What needs of the refugees were to be met?
2. What resources were available to the program?
3. What services were offered to the refugees?
4. How were the services provided?
5. Is it possible to measure the success of the entire program or at least some segments of it? If so, what worked well, and what did not?

Clearly judging the extent of success or failure of the various programs is not an exact science. The goals of the various programs differed (to the extent that they were articulated at all), as did the resources available, the kinds of services offered, and the service delivery mechanisms. It is possible to draw some conclusions from these programs, however, and to learn at least something from the nation's prior experience in this field.

The goals of refugee resettlement programs have become more complex and far-reaching with the passage of time. The first goal of any such program is to preserve the lives of the endangered persons. Ultimately the goals may include a concern that the linguistic skills and the cultural integrity of the rescued people be preserved. The goals of resettlement programs, in more recent times, have included the following:

short term:

- guaranteeing the survival of refugees;
- moving refugees to the U.S.;

- meeting basic food, shelter, clothing and emergency health care needs; and
- placing refugees initially in a reasonably compatible environment and with an appropriate sponsor.

long term:

- ensuring sufficient income, preferably through employment;
- providing appropriate, continuing health care;
- enabling good mental health;
- ensuring appropriate geographical distribution;
- meeting the social needs of the population;
- nurturing adequate linguistic skills for success in the new environment;
- meeting the problems of particularly vulnerable subpopulations (e.g., unaccompanied children, singles, and the aging);
- guaranteeing the refugees' legal rights, and the elimination of legally sanctioned discrimination against them;
- preserving the cultural integrity of refugee populations; and
- providing a wide range of services in a cost-effective manner.

The resources available vary from program to program, and are usually hard to assess. This is particularly true of the resources the refugees bring with them: a desire to succeed, a willingness to work, and the human capital of past training and work experience. It is somewhat easier to measure the host nation's allocation of resources to a refugee movement. Those of the public sector, however, are much easier to quantify than those of the private sector. Some of the most valuable resources--the time, energy and contacts of concerned sponsors and other volunteers--are the most difficult to measure. While all this is true, it is also clear that some refugee movements attract many more resources per capita than others, e.g., the Indochinese and Soviet Jews on one hand, compared to the Kurds and the Chileans on the other.

The services provided to arriving refugees range from the minor to the major, from the crude Americanization programs of past generations to the more sophisticated offerings of today (such as the specialized programs to facilitate the return to medicine of refugee physicians). The extent of availability of refugee services has also differed from time to time, and from movement to movement.

The manner in which services are provided to refugees has changed to some extent over time, in the sense that the Federal Government's involvement has grown substantially, and the relative, if not the absolute, role of the private sector has declined. The provision of services to refugees, however, has usually been conducted on an ad hoc basis, resulting in substantial inequities among refugee populations, as well as between them. Other nations, as we will note, tend to package their service delivery systems in different ways than the U.S. does.

The bottom line of this analysis is a troublesome one. It is difficult to assess the effectiveness of refugee resettlement programs, a difficulty which has been severly aggravated by the almost total absence of easy-to-mount longitudinal studies which would track the services provided to refugees, and the degree of their adjustment to U.S. society (a subject which will be covered in the final section of the report). Although it is not easy, there are measures that could be applied to any refugee population (or any other group of people); for example:

long-term need	measures
income	sex-and-age-specific median earnings, labor force participation, receipt of welfare payments
health	morbidity, mortality rates
mental health	institutionalization, suicide rates
linguistic skills	ability to speak English

It is also possible to measure the cost-per capita to the Federal Government of refugee resettlement programs and to note the termination of, or the long-life of, special refugee resettlement programs.

While such measures would all be extremely helpful in an assessment of the relative success of refugee resettlement programs, or portions of them, their desirability is more apparent than their availability. Still, enough is known or can be extrapolated so that certain rough assessments can--and will--be made of the various refugee resettlement programs described in the chapters which follow.

PART II

CHAPTER I: THE HUNGARIAN REFUGEE PROGRAM

In October 1956, student demonstrations in Budapest, Hungary led to riots when police began arresting the demonstrators. Groups of workers, intellectuals and individuals who had long resented repressive conditions in Hungary joined the upheaval. A declaration of martial law and the arrival of Soviet troops sparked a general insurrection which was vigorously repressed. During the next few days the revolutionary government fell and refugees began streaming into Austria and Yugoslavia.

The large numbers of refugees arriving in Austria (21,000 during the first three weeks after the uprising), in addition to the thousands of refugees remaining from World War II, led Austria to request assistance from the Governmental Committee for European Migration (ICEM) and the United Nations High Commissioner for Refugees (UNHCR). At the urging of the High Commissioner, offers of asylum were received from numerous governments, and, on November 2, 1956, President Eisenhower announced that as many as 5,000 Hungarians would be admitted to the U.S.[1]

By late November, 7,000 Hungarians were crossing the border daily; however, the numbers of refugees crossing the frontier gradually began to decrease as tighter military controls were established in Hungary. By March 1957, refugee movement from Hungary into Austria and Yugoslavia had stopped. By late winter of 1958, 200,119 Hungarian refugees had fled their country and over 170,000 had been resettled in third countries. The United States accepted 38,121 of them.[2]

While there were similarities between the Hungarian movement and earlier resettlement programs (use of the voluntary resettlement agencies, and assistance from international agencies, for example), there was one significant way in which the Hungarian program differed--the speed with which it occurred. The sense of urgency which developed was the result of the need for quick relief to Austria which already carried a major refugee burden, and the need to take advantage of the wide-spread offers to assist the Hungarian refugees.

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[1] Markowitz, "Humanitarianism Versus Restrictionism," op.cit.

[2] Data furnished by ICEM to the American Council of Voluntary Agencies for Foreign Service, Inc., Report of Fact Finding Committee of the Committee on Migration and Refugee Problems on the Hungarian Refugee Program (New York: ACVAFS, May 1958, mimeo).

Within the United States, the refugees received a warm reception. Positive reaction in the press appeared to be an important factor in creating support for the refugees, as did the existence of substantial Hungarian ethnic communities.

This chapter examines the resettlement experiences of the Hungarian refugees and reviews the activities of the public sector, particularly the Federal Government, and the overwhelmingly receptive role of the private sector.

A. Resettlement - The Federal Response

The first 5,000 Hungarian refugees were admitted under the provisions of the Refugee Relief Act of 1953, as amended. There were no specific criteria for selection initially; the earliest admissions appeared to be on a first-come-first-served basis. Responding to the continuing buildup of refugees in Austria, the President authorized on November 26, 1956, the admission of an additional 16,500 Hungarians, 15,000 as paroled aliens, and 1,500 under the provisions of the 1953 legislation.[3]

The selection system for Hungarian refugees evolved over time, a process which seems to occur in all emergency refugee movements to the United States. In January 1957, refugee admission priorities were based on family reunion and persons with special skills; in February parolees already in the United States were authorized to submit affidavits of relationship for husbands, wives, minor children and parents of minor children; in April admission priorities were hardship cases (family reunifications) and "special interest" cases (scientists and engineers whose skills and backgrounds would enable them to easily integrate into American communities); finally, in May, categories and priorities were redefined and expanded for Hungarian escapees in Austria as well as those in European countries of second asylum.[4]

1. The President's Committee for Hungarian Refugee Relief

Shortly after announcing the decisions to admit an additional 16,500 Hungarian refugees and to establish a reception and processing center at Camp Kilmer, the President created the President's Committee for Hungarian Refugee Relief to ensure coordination of, and provide assistance to, the various government, military, civil and voluntary organizations concerned with the resettlement of the refugees.

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[3] Markowitz, "Humanitarianism Versus Restrictionism," op.cit.

[4] ACVAFS, Report of the Fact Finding Committee, op.cit., Section II, pp. 2-3.

The work of the President's Committee at Kilmer was under the direction of Leo C. Beebe, Vice Chairman of the Committee. Mr. Beebe was responsible for three operational areas: government agency coordination, voluntary resettlement agency coordination, and coordinating the activities of the cooperating agencies (those agencies not directly concerned with sponsoring refugees but who provided supportive services). In addition, Mr. Beebe was assisted by four staff departments: public information, administrative services, data processing services, and educational services.[5] It was not, however, the responsibility of the Committee to raise funds; that was accomplished by voluntary and charitable organizations all over the country.

One of the more difficult problems for both the President's Committee and the traditional resettlement agencies was the proliferation of organizations that wanted to assist the Hungarian refugees. Many of these organizations had had no experience with displaced persons and did not clearly understand, despite their general altruistic motivations, the requirements of this refugee population or how to mesh their services with the resettlement agencies. The numerous cooperating agencies accredited to Camp Kilmer contributed to an atmosphere of confusion and inadequate cooperation early in the program.[6]

2. The Camp Kilmer Experience

The First Army was ordered to prepare Camp Kilmer to receive and process the Hungarian refugees as they arrived in the U.S. The first group of sixty refugees arrived at Kilmer from Austria on November 21, 1956. The U.S. Government requested ICEM to provide and coordinate transportation and, for the most part, refugees arrived at McGuire Air Force Base, New Jersey on ICEM-chartered airlines, although other refugees arrived aboard military ships and planes. Arrangements were made through ICEM for advance notification of flight arrivals from Europe so that the various processing agencies at Kilmer would be ready for new arrivals. While this system worked effectively through December when flights were coming in at the rate of about ten a day, it later slipped out of control resulting in considerable confusion and did not work very well thereafter. The reason appeared to be a constant turn-over of personnel--a recurring problem in refugee movements.

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[5] U.S. Bureau of Public Assistance, Outline of the Organization and Work of the President's Committee for Hungarian Refugee Relief in Assisting in Resettlement of Hungarian Refugees. (Washington, January 7, 1957 mimeo), pp. 2-3.

[6] ACVAFS, Report of the Fact Finding Committee, op.cit.

Refugee processing at Camp Kilmer began with the U.S. Public Health Service (PHS), which provided health screening and medical examinations, paying particular attention to cases of tuberculosis. In the early days of processing, some tubercular refugees were released from Kilmer and later had to be hospitalized. Later PHS improved the procedures for screening and treating suspected tuberculosis patients. There was some criticism that HEW as a whole should have been involved earlier in the program and widened its scope beyond the tuberculosis problem.

The next processing step was done by the U.S. Employment Service (USES) of the Department of Labor. Refugees 16 years of age and older were interviewed and classified according to occupation, education, language, training, and preferred areas of resettlement. A job availability inventory was used which identified occupational demands and job offers throughout the nation. The USES also provided an inventory of housing availability. Information concerning job offers, housing, refugee qualifications and resettlement desires were then matched by an IBM-designed and financed system,[7] which resulted in a "Suggested Disposition for Employment and/or Housing" form. These forms were then given to the sponsoring voluntary agencies so that they could promptly utilize offers of assistance.[8] The USES continued to provide assistance in locating acceptable employment after Camp Kilmer closed. Some USES offices assigned personnel specifically to work on Hungarian placement.

An English language course was set up at Kilmer using eight certified teachers, none of whom spoke Hungarian. The program was only moderately successful since there seemed to be no pressure on the refugees to learn English. Consequently, only about 4% of the refugees attended classes. The Army had films available for orientation, and a handbook entitled "Life in America" was published by the Common Council for American Unity and made available to the refugees. There was no concerted or integrated effort to provide these orientation services, probably due to the anticipated very short stay in camp of the refugees.

The final refugees left Camp Kilmer in May 1957 which marked the closing of the emergency operation. Hungarian refugees who were admitted to the U.S. after that time transited through New York where many of them were provided temporary lodging in Brooklyn paid for by INS.

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[7] IBM also provided technical and design assistance for the Indochinese program in 1975.

[8] See President's Committee for Hungarian Refugee Relief, Report to the President (Washington: U.S.G.P.O., May 1957).

It is apparent from all available documents that rapid integration of the Hungarians was due to the mobilization of the private sector in the U.S. The voluntary resettlement agencies[9] and their local affiliates, working in cooperation with local charitable and service organizations, led the national effort both at Camp Kilmer and in communities throughout the country.

In fact, the Federal Government was explicit about its reliance on the private sector to resettle the Hungarian refugees. There was no provision for Federal resettlement expenditures beyond providing some health care funding and paying transportation costs. The International Cooperation Administration allocated $1.5 million to defray domestic transportation costs, but not to exceed an average for each resettlement agency of $40 per refugee. In explaining the nature of the Federal expenses, one Federal document stated that:

> "As such, the payments do not in any way constitute a precedent for giving payment to the voluntary agencies for similar costs for other refugee movements.
>
> "Beyond the provision of financial assistance to care for excludable health conditions and transportation costs, there is no present expectation that additional special provisions for Federal financial assistance will be needed. By and large, the Hungarian refugees represent a high level of educational and vocational attainment, and it is expected that the voluntary sponsoring agencies will be able to make provision for any immediate assistance and service that might be required. As the refugees are absorbed into the community, any needs presented by them are expected to be met as for any other person on the basis of individual circumstances and eligibility for services from resources available."[10]

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[9] The voluntary agencies credentialed to resettle refugees at Camp Kilmer were the American-Hungarian Federation, Catholic Relief Services, Church World Service, International Rescue Committee, Lutheran Refugee Service, Tolstoy Foundation, United HIAS Service, and the United Ukranian American Relief Commission.

[10] U.S. Department of Health, Education and Welfare, Social Security Administration, Bureau of Public Assistance, Hungarian Refugee Program. (State Letter No. 290, February 19, 1957), p. 2.

B. Resettlement - The Private Sector Response

After the resettlement agencies and their staff members at Kilmer had located sponsors and (usually) employment, the refugees were sent to the receiving communities and were met by relatives, friends or agency workers. Typically, the initial reception was arranged by the local affiliates of the resettlement agencies. Initial shelter varied; local hotels, YMCAs and YWCAs and schools were utilized. In some communities refugees went directly to temporary homes. Numerous groups provided financial assistance until a refugee was actually employed--councils of churches, individual congregations, Catholic and Jewish organizations and other charitable groups. Community fund-raising activities were generally not coordinated, with the exception of some local coordination by Mayor's Committees. In addition to cash, material assistance was given through donations of furniture, clothing and food.

1. Employment

As with all refugee movements, employment was indispensable to ensuring effective resettlement. As noted earlier, unemployment rates were generally low and most of the Hungarians were sufficiently skilled so that jobs were quickly found for the majority of them. Where the inevitable problems did occur, they were usually caused by a refugee having to accept a position for which he or she may have been overqualified by previous position or training, or felt that this was the case. English ability was a problem for some refugees, but often employment was arranged in plants where there were other Hungarian-speaking workers, or where lack of English was not a serious impediment.

2. Housing

Housing, like employment, is necessary for effective resettlement. In 1956-57, housing was not a serious problem since usually adequate housing was available in the resettlement communities. Typically, refugee assistance groups arranged permanent housing with friends and relatives and sometimes with employers. In some communities, the usual residence requirements were waived and public housing was made available. Although housing was available, the refugees' unfamiliarity with American life presented some problems. Household appliances that Americans take for granted had to be demonstrated and explained, and refugees had to be taught that in a free enterprise system bills for rent, gas and electricity had to be paid by the tenant. Volunteers and relatives provided the orientation.

3. Language Difficulties

For the Hungarians, as for other refugees, the language barrier was one of the most difficult obstacles to resettlement. Few of them spoke English, complicating their search for employment and presenting difficulties for agency social workers who were attempting to aid and counsel them. Inability to speak English prevented refugees from either being made aware of or actually receiving many community services. The linguistic problem was approached in a variety of ways: special English classes were established by public school systems and by private agencies; private tutoring was made available by some resettlement agencies; and the Hungarian communities in the U.S. provided tutoring and interpreter services at no cost. There were problems, of course: some of the women found it more difficult to learn English than men, possibly because they did not have as much contact with wider society as did the men; some refugees were impatient with traditional methods of teaching English and wanted more vocationally-oriented English training and less grammar and syntax; other refugees had difficulties attending classes regularly because of full-time jobs; and there were a few Hungarians who simply did not want to learn English at all. Despite the problems, there appeared to be a general eagerness to master enough of the new tongue so that barriers to resettlement could be eliminated.

4. Academic and Vocational

Other major problems for many in refugee movements are the abrupt interruption in academic training, principally at the secondary and university levels, or the need for refugees with professional training to transfer their skills to a new setting. The latter problem is frequently difficult and requires professional relicensure, refresher training or skills upgrading, and meeting mandatory U.S. professional standards. Occasionally the skills problem is insurmountable as in the case of lawyers whose foreign legal training is not transferrable to the U.S. Solving the former problem, by finding ways to allow Hungarian students to continue their education in the U.S., was also difficult even though American colleges and universities were generous in providing them with scholarships. Dr. John A. Krout, a member of the President's Committee and Provost of Columbia University, was instrumental in helping Hungarian university students into American educational institutions. He was assisted by the Institute for International Education and World University Service. Although these voluntary efforts were substantial, they did not meet all the needs of all the refugee students. Nevertheless, the relatively small size of this refugee population eased this problem considerably.[11] As the study indicates in later chapters, transferring skills and education is a problem in all refugee movements.

5. Health and Welfare

When Hungarians arrived in the U.S. in 1956 and 1957 most were admitted as parolees. The practical effect was that the Hungarians were not eligible for State or Federally financed public health and welfare assistance, although the Federal Government paid the tuberculosis diagnosis and hospitalization costs.[12] Thus, to the extent that the Hungarian refugees required health, welfare and social service assistance, these services had to be provided through voluntary efforts by the communities in which they resettled.

Refugees arriving with virtually no personal resources often have a variety of acute medical needs. The private voluntary efforts that were undertaken to meet these needs included a range of free or low cost medical and physician services; many public hospitals waived residence requirements for the refugees. In addition, private financial assistance was obtained for widowed or working mothers and separated families, to supplement low incomes and for a variety of emergencies. Organizations affiliated with the voluntary resettlement agencies and other local organizations such as the YMCAs, YWCAs, Red Cross, the Salvation Army, and the International Institutes, made financial and adjustment services available.

A January 1958 study of the Hungarian resettlement program concluded:

> "Although the ways in which the refugees' needs were met differed from community to community, such difference is inevitable and probably all to the good. Americans are characteristically ingenious in tackling their problems in a wide variety of ways. A common

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[11] See generally Committee on Educational Interchange Policy, Hungarian Refugee Students and U.S. Colleges and Universities: One Year Later. (New York, June 1958); Outline of the Organization and Work of the President's Committee, op.cit.; American Immigration Conference and National Council on Naturalization and Citizenship, Hungarian Refugee Resettlement in the United States. (New York, January, 1958).

[12] In January 1957, a government ruling determined that the INS would be responsible for payment of the first six weeks of hospital costs. INS declared that prior authorization was required and in a few instances declined to absorb hospital costs that had not been previously authorized.

> denominator appears perhaps in this one observation: Where there is some kind of coordinated community action, spearheaded by a mayor's committee, a Health and Welfare Council, or a given agency, both the refugee and the community are better off."[13]

6. Unaccompanied Minors

One of the most difficult sub-groups of any refugee population to help is unaccompanied minors. There are immigration requirements, specific legal and guardianship concerns and general child welfare obligations which must be observed. Social work professionals have always insisted that special consideration be accorded to unaccompanied minors and rightly so. The unaccompanied minors among the Hungarian refugees were no exception.

An Ad Hoc Committee on Children was created by the American Council of Voluntary Agencies, with members from the Catholic Committee for Refugees, Church World Service, International Rescue Committee, International Social Service and United HIAS Service. On August 26, 1957, a contract was signed between the United States Escapee Program of the State Department and ACVA "to insure the successful resettlement of unaccompanied Hungarian youth."[14] It was decided that the following criteria would apply:

- the program would be administered solely under the jurisdiction of INS;
- the parole of the children would be to the District Director of INS rather than to the relative-sponsor or the voluntary agency;
- the child had to be under 17 years of age and then living in Austria (later changed to 18 years and extended to children residing in Yugoslavia);

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[13] Joint Committee on Integration of the American Immigration Conference and the National Council on Naturalization and Citizenship, Hungarian Refugee Resettlement in the United States: An Inquiry Into Selected Problems, Trends and Solutions at the Community Level. (New York, January, 1958).

[14] American Council of Voluntary Agencies for Foreign Service, Inc., Report of the Ad Hoc Committee on Children on Programs for Unaccompanied Hungarian Minors (New York, April 25, 1958).

- the child must come to reside with a relative-sponsor; and
- siblings, where one was over the age limit, would be admitted on an individual basis.

In addition, a home study of the relative-sponsor was required by the voluntary agency as well as a separate investigation by INS.

There were a number of problems that resulted from the initial policy decisions. The dual home study requirement frequently produced a situation where INS disagreed with the results of a home study completed by the voluntary agency.

INS disapproved a large number of cases because they would only approve sponsor-relatives if they were U.S. citizens or permanent resident aliens; refugee parolees were not eligible. Some of these cases were appealed, but INS declined to reverse its decisions. In addition, the resettlement agencies completed their home studies in many cases long after the INS investigation was completed. This resulted in lengthy delays in obtaining final approval to admit a child. Despite these problems, 136 Hungarian children were resettled in the United States under this program.

C. Geographical Settlement Patterns

The Hungarian refugees were channeled through Camp Kilmer, New Jersey, as the Cuban refugees were to be through Miami, yet the Hungarians were soon spread over many of the Nation's industrialized states, while a large proportion of the Cubans remained in the Miami area. One suspects that factors other than the relative attractiveness of New Jersey and Florida were at work.

Perhaps one of those factors was the distribution of the Hungarian-born population of the U.S. at the time. As Table 6 indicates, close to three-quarters of the Hungarian-born residents of the United States in 1950 were concentrated in the four adjacent northeastern states of New York, New Jersey, Pennsylvania and Ohio. Nearly six out of ten arriving refugees, as far as one can tell from surviving data, settled in those same four states. (Table 6 also indicates that the newly arrived refugees--in the recent American tradition--were more likely to settle in California and Florida than the previously-arrived Hungarian-born population.)

TABLE 6

Distribution of U.S. Residents Born in Hungary, 1950, and of Hungarian Adjusting Refugees and Immigrants, FY 1959, by Selected States

(as percents; ranked in order of 1950 data)

STATES	1950	1959
New York	24.4	28.5
Ohio	16.2	10.1
Pennsylvania	12.0	8.1
New Jersey	11.5	11.8
Illinois	7.1	5.5
Michigan	7.0	3.0
California	5.0	9.9
Connecticut	3.2	4.5
Indiana	2.5	1.7
Wisconsin	2.3	0.9
Florida	1.3	1.6
Missouri	1.3	1.1
West Virginia	0.9	0.2
Maryland	0.6	0.9
Minnesota	0.6	0.6
Massachusetts	0.4	2.9
All Others	3.7	8.7
TOTAL	100.0	100.0
N =	268,022	30,098

Note: The second column indicates the state of residence of the 25,424 parolees who adjusted to permanent resident alien status in FY 1959, together with state of intended residence of the FY '59 cohort of immigrants from Hungary, 4,674. These data are used as a proxy for the state of resettlement of the Hungarian refugees, as of 1959, since it is not elsewhere recorded. The states were selected on the basis of having 1,000 or more natives of Hungary recorded in the 1950 Census.

Source: 1950 Data: U.S. Bureau of the Census, *United States Census of Population: 1950, Volume IV, Special Reports, Part 3, Chapter A., Nativity and Parentage* (Washington: U.S.G.P.O. 1954), Table 13, page 3-A75. 1959 Data: Immigration and Naturalization Service, *Annual Report, 1959*, Table 12A.

New Jersey, as a matter of fact, was the state in the 1950 Census which had the highest concentration of Hungarian-born residents in the nation.[15] Deciding to place the refugee resettlement camp in this state, which is also adjacent to two other states with large numbers of natives of Hungary, was either an extremely wise decision on the part of the U.S. Army, or a stroke of luck.

D. Analysis

Using the five-part analytical framework described earlier, this section assesses the goals, resources, services, institutional arrangements, and apparent results of the Hungarian resettlement program.

The goals of the Hungarian program were, in keeping with the social philosophy of the time, modest. The thrust was first to remove the Hungarians from Austrian camps and to transport them to the U.S., and, secondly, to move them swiftly out of Camp Kilmer into the welcoming arms of the American private sector. Complex and continuing support systems were not mounted for these refugees, in fact, there is little evidence that they were even discussed.

While the goals of the program were modest, the resources available to and the advantages of the Hungarian refugees were impressive. For example:

- The Hungarians were viewed as heroes, easily the most popular group of refugees in U.S. history, because of their battle with Communism.[16]
- Their numbers were small.
- There was a well-established community of their landsmen.
- Their labor force participation rates were high, and there were relatively few dependents.
- Unemployment in the U.S. was low.

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[15] While the nation as a whole had 268,022 Hungarian-born persons, or 0.18% of the total population, New Jersey had 30,731 of them, or 0.64% of the state's population.

[16] Who over the age of 40 can forget that wire-service photo of the Hungarian teenagers throwing rocks at a Russian tank?

- Their plight attracted Presidential attention.
- There was, however, relatively little civilian governmental support.
- There was very substantial private sector support.

In terms of services offered, they were limited, too, in keeping with the goals of the program. Short-term services, transportation from Europe, initial reception, screening and some basic medical services, were supplied by the Federal Government. Longer-term services, often orchestrated by the voluntary agencies, were provided in the private sector. Because of the relatively small cutural gap between the refugees and the host population (certainly as compared to the Indochinese), the booming economy, and the labor force characteristics of the new arrivals, extensive services were not as urgently needed as they were with later groups of refugees. It should also be pointed out, however, that some important Federally-funded services, such as cash assistance, were not available to the majority of the refugees because of their status as parolees, and that services provided to unaccompanied minors were handicapped by a lack of sufficient advance planning.

The structure of the program was simplicity itself; all Federal activity was managed by a single entity, the President's Committee, which also was charged with mobilizing the nation's resources, public and private. It is extremely important that a single administrative structure be used in such programs.

It is also essential to encourage substantial support for refugee movements from within the private sector, which was the case in the Hungarian program. The private sector made its contributions through a flurry of entities, some national (including the voluntary agencies) and many local, and, as is inevitable in such short-term, intense efforts, there were some conflicts, and some waste, as well as a great deal of meaningful assistance. In this connection, it was clear that the work at Camp Kilmer was complicated by the lack of criteria regarding the qualifications needed by organizations seeking to serve as voluntary resettlement agencies. Fortunately, those agencies traditionally involved in resettlement succeeded in establishing their sponsorship functions, while all other agencies were allowed to cooperate in a more supportive capacity.

Can one measure the success of this program? If so, what appeared to work, and what did not?

The nearly total lack of data which one might use to measure the success or failure of the Hungarian program probably reflects, among other things, its relative success. That no government agency worried about expenditures of money; no pressure group worried about the fate of the Hungarians; no data were collected on unemployment, morbidity, institutionalization rates, or on funds spent to cope with such problems, may be more eloquent than reams of statistics. The quick termination of the President's Committee was a rare example of an institutional structure which mobilized for a specific purpose, then completed its assigned tasks and abolished itself. This characteristic is the complete antithesis of the Cuban program, which is the subject of the next chapter.

PART II

CHAPTER 2: THE CUBAN REFUGEE PROGRAM

On January 1, 1959, Fidel Castro assumed leadership of the Cuban Government after overthrowing the Batista regime. This event precipitated a refugee movement with three prominent characteristics:

- it was the largest in U.S. history, including (from 1958 to the present) approximately 750,000 persons.
- it had a highly concentrated impact, geographically, with a majority of the currently identifiable Cuban-born population of the U.S. living in a single state (Florida), and with most of that group living in Miami and surrounding Dade County.
- it has created the longest-lived refugee resettlement program in U.S. history; a baby born at the time of its inception would now be of voting age.

This chapter provides a brief history of the Cuban refugee program and the environment in which it operated, with an emphasis on the services available to the refugees and the systems that were utilized to deliver them. The chapter also includes an examination of the evolving division of labor between the private and public sectors and how these roles changed from previous refugee movements. The chapter concludes with an assessment of these refugee assistance programs.

A. Background

In earlier programs, such as those for the displaced persons and for the Hungarians, refugees were processed for movement to the U.S. from European camps. The overseas processing centers permitted advance preparation by the sponsoring voluntary agencies and the receiving communities prior to the refugees' arrival. Most of the Cubans, however, simply came directly to the U.S. This was the first time in its history that the U.S. had become a nation of first asylum for a large movement of refugees. The decision of the Government not to establish a refugee camp for the Cubans was due, in part, to the distaste for the post-World War II European refugee camps and the objections of those who were involved with Camp Kilmer in 1956-57. Thus the Cuban refugees were permitted to become "free livers," in the Western European terminology of the time, and no restrictions were placed on them with regard to movement, residence or employment. Consequently, most of them remained in Florida because of the similarity of climates, the large number of persons there who spoke Spanish, and a feeling that Castro would be in power only briefly and that an early return to Cuba would be possible.

Significant numbers of Cuban refugees (i.e., more than 10,000 a year) entered the U.S. every year between 1959 and 1974, with the size of that flow being controlled more by Castro than by decisions of either the U.S. Government or of the individual refugees. The first to leave, largely close associates of Batista, did so in 1958. They were not regarded as refugees by INS, and hence are not included in the annual refugee entry figures in Table 7.

The flow expanded rapidly after Castro took power, and peaked in FY '62 when there were 78,611 entries. Castro cut off regularly scheduled travel in October, 1962 which resulted in a sharp decline of refugee entries. Refugees who did come were either the more than 9,000 Cuban "boat people," who risked their lives by crossing to Florida in often unseaworthy boats, or those who migrated to the U.S. via other nations. In September 1965, Castro decided to permit the "Freedom Flights" into Miami, and for the next six years a steady flow of refugees, about 50,000 a year, came to the U.S. The flights terminated in 1973, and relatively few refugees have arrived since then.

As Table 7 indicates, most of the refugees arrived as parolees, but others came as visitors (or in other nonimmigrant categories) and subsequently adjusted their status; still others arrived with immigrant visas in hand. The data in Table 7, incidentally, is for those arriving from Cuba as the country of last residence; were the data to be calculated on Cuba as the nation of birth, the totals would be larger, probably in the neighborhood of 750,000. (In 1965, for example, 19,760 immigrants reported that they had been born in Cuba,[1] but only 13,160, the total used in Table 7, identified Cuba as the nation of last residence.)

B. Resettlement - The Local Setting

The arrival of large numbers of Cuban refugees in Dade County caused a substantial drain on the already hard-pressed county public agencies as well as the local religious and private charitable agencies. Moreover, Florida was in the grip

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[1] INS Annual Report, 1965, Table 6.

TABLE 7

Cubans Arrived in the United States, by Class of Admission, January 1, 1959-September 30, 1977[1]

Fiscal Year	Total	Immigrants	Nonimmigrants	Parolees[2]
1959[3]	26,527	2,832	23,695	-
1960	60,224	8,126	52,098	-
1961	49,961	11,239	34,822	3,900
1962	78,611	6,534	13,447	58,630
1963	42,929	5,073	1,082	36,774
1964	15,616	9,561	665	5,390
1965	16,447	13,160	965	2,322
1966	46,688	13,319	827	32,542
1967	52,147	5,464	754	45,929
1968	55,945	9,618	1,191	45,136
1969	52,625	7,408	982	44,235
1970	49,545	2,331	1,358	45,856
1971	50,001	1,889	2,042	46,070
1972	23,977	1,192	1,845	20,949
1973	12,579	1,151	2,027	9,401
1974	13,670	711	1,382	11,577
1975	8,488	361	1,187	6,940
1976	4,515	859	1,315	2,341
1976 (TQ)	1,439	381	645	413
1977	3,135	900	1,655	580
TOTAL	665,069	102,109	143,984	418,976

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[1] Cuba, country of last residence.

[2] Not reported prior to October 1, 1960.

[3] January-June, 1959.

Source: Unpublished data compiled by INS.

of recession, and unemployment in Miami was relatively high. In 1960, for example, unemployment in Miami was 7.3% compared to the national figure of [illegible].5%.[2]

According to the 1960 census, the greater Miami area had a population of about one million people. Approximately 12% of this population had been born overseas, principally in Central and South America. Over 10% of the population spoke Spanish and over one-half of the Spanish speaking population was Cuban-born or of Cuban descent.[3]

The educational facilities in Dade County were comprehensive and included elementary and secondary schools (public, private and parochial), a County junior college with about 3,000 students, and an adult education program offering general and vocational education. The University of Miami provided undergraduate training and graduate studies in law, medicine and the arts and sciences. This educational infrastructure provided a sufficient base from which to provide education and training activities for the refugees.

On the other hand, welfare and social services in Dade County were far from adequate in 1958. According to a 1959 report of the Welfare Planning Council, these services did not meet the needs of Dade County residents. Florida participated in the Federally supported programs of Aid to Dependent Children (ADC), Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled. However, assistance was provided only to those meeting strict eligibility requirements and payments were very low, e.g., $75 a month per family under the ADC program. Moreover, no assistance was available for unemployed persons who were physically able to work. People who were unemployed and not collecting unemployment insurance generally had to request assistance from the private agencies. In addition, there was a five-year residency requirement that made many recent citizen arrivals to Dade County, as well as the refugees, ineligible for State or Federally-supported assistance programs.[4]

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[2] Miami data from U.S. Department of Commerce, County and City Data Book: 1962 (Washington: U.S.G.P.O., 1963), item 333-348; national data from Employment and Training Report of the President, 1978, Table A-1.

[3] Roy L. Wynkoop, The Cuban Refugee Program: A Report of its Development and Implementation With Particular Emphasis on Program Policies and Administration, Period January 1, 1959, through June 30, 1965. (Washington, October 25, 1967 mimeo), p. 9.

[4] The courts subsequently overturned these residency requirements.

Given these circumstances, and the fact that most of the Cuban refugees arrived with only a change of clothes and a few dollars, their situation was precarious at best. They all had common problems and required assistance upon their arrival: money for basic survival needs, housing, help in obtaining employment, medical care, counseling and guidance to get through a period of stress--all the services required for the process of adjustment to a new life. Providing these services was simply beyond the capabilities of the public agencies in the greater Miami area. Consequently, the initial burden of providing refugee assistance fell to the private charitable and religious organizations in Dade County and the resident Cuban community in Miami.

The civic leadership of Miami was concerned. In September 1960, the Miami Herald held a round-table discussion at which it was agreed that hunger, unemployment and other social problems were increasing among the refugees. Accordingly, the Miami leadership decided in October to form a Cuban Refugee Committee to make appeals for Federal assistance. In addition, the State was requested to open a refugee employment office, and the Cuban Refugee Emergency Employment Center was opened with a State appropriation of $35,000. During this period the Cuban Refugee Committee asked President Eisenhower for a special survey of the refugee situation in Miami and suggested that the refugee problem should not be considered merely a local matter, that it had national implications. A White House meeting on the issue was held on October 24 with personnel from the relevant Federal agencies and a delegation from Florida.

C. Resettlement - the Federal Response

Towards the end of 1960, President Eisenhower responded to the pleas of the Cuban Refugee Committee and acknowledged that this was a problem that required Federal action. Accordingly, he appointed Tracy S. Voorhees to investigate the Cuban refugee situation.

Mr. Voorhees, presumably relying on his experience with the Hungarian program, stated that Federal financial responsibility should be limited to paying the costs of transportation and resettlement away from Miami, and funding a proposed temporary Cuban Refugee Emergency Center to refer incoming refugees to private agencies for assistance. Moreover, he believed that private contributions and charitable organizations should be responsible for general refugee assistance. The Miami community, however, was requesting a substantially higher level of Federal participation than Mr. Voorhees had contemplated.

On December 2, 1960, the President authorized the allocation to Mr. Voorhees, personally, of $1 million from the contingency fund of the International Cooperation Administration (ICA), the forerunner of the Agency for International Development (AID), to assist the Cuban refugees. Mr. Voorhees used the funds in January 1961 to establish the Cuban Refugee Corporation of Miami, Inc. ICA provided administrative and legal services to the Corporation, which also received substantial funding from the Rockefeller Foundation, Texaco, Cardinal Spellman, and others.[5] These funds were spent to meet immediate refugee needs, such as food, housing, and clothing.

1. The Nine Point Program

After President Kennedy was inaugurated in January 1961, he asked HEW Secretary Abraham Ribicoff to assume responsibility for Cuban refugee activities. The next month, Secretary Ribicoff recommended an immediate and comprehensive program for the Cuban refugees. His recommendations, far more sweeping than those of Voorhees, were approved by President Kennedy who made an additional allocation of $4 million from the ICA Contingency Fund. The Nine Point Program consisted of the following components:

> "1. Provide all possible assistance to voluntary relief agencies in providing daily necessities for many of the refugees, for resettling as many of them as possible, and for securing jobs for them.
>
> 2. Obtain the assistance of both private and governmental agencies to provide useful employment opportunities for displaced Cubans, consistent with the overall employment situation prevailing in Florida.
>
> 3. Provide supplemental funds for the resettlement of refugees in other areas, including transportation and adjustment costs to the new communities and for their eventual return to Miami for repatriation to their homeland as soon as this is again possible.
>
> 4. Furnish financial assistance to meet basic maintenance requirements of needy Cuban refugee families in the Miami area as required in communities of resettlement, administered through Federal, state, and local channels and based on standards used in the community involved.
>
> 5. Provide for essential health services through the financial assistance program supplemented by child health, public health services, and other arrangements as needed.

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[5] Wynkoop, The Cuban Refugee Program, op.cit., p. 30

6. Furnish federal assistance for local public school operating costs related to the unforeseen impact of Cuban refugee children on local teaching facilities.
7. Initiate needed measures to augment training and educational opportunities for Cuban refugees, including physicians, teachers, and those with other professional backgrounds.
8. Provide financial aid for the care and protection of unaccompanied children--the most defenseless and troubled group among the refugee population.
9. Undertake a surplus food distribution program to be administered by the county welfare department, with surplus foods distributed by public and voluntary agencies to needy refugees."[6]

This nine point effort marked the real beginning of the Cuban Refugee Program and the first deliberate and substantial involvement of the Federal Government in a major refugee resettlement activity. The following policies were established to implement the Cuban Refugee Program:

- Existing public and private agencies were to be used, when feasible.
- Refugees would be entitled to the benefits of domestic programs on the same basis as U.S. citizens in need.
- Only refugees entering through Miami would be entitled to benefits.
- Refugees were free to move about the U.S. and were encouraged not to isolate themselves, but to become part of the U.S. community.
- Refugees should be permitted to fully utilize educational potential and experience.
- Refugees were to be used as much as possible in the administration of the program.
- The Commissioner of Social Security was responsible to the Secretary of HEW for all aspects of policy formulation and implementation including welfare, health, and education.[7]

The delegation of authority from Secretary Ribicoff to the Commissioner of Social Security was designed to provide a unity of command to enable him to utilize the Bureau of Family Services to provide financial assistance, the Children's Bureau to aid unaccompanied children, the Public Health Service to furnish medical services, and the Office of Education to make available education programs for children, loans and scholarships for advanced study, and English and job-training programs for adults. The Department of Agriculture made available surplus food, and the Department of Labor provided job placement services.

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[6] "President Outlines Measures for Aiding Cuban Refugees," *Department of State Bulletin*, February 27, 1961, p. 309f.

[7] Wynkoop, *op.cit.*, pp. 153-159.

2. The Cuban Refugee Emergency Center

After the ICA funds arrived the Cuban Refugee Emergency Center became the focal point for refugee assistance in Miami. Its main task was to register and process all refugees who requested assistance. Only those who registered at the Center were eligible for benefits such as cash assistance, hospitalization and medical care, counseling and employment assistance. Some benefits, of course, such as cash assistance, were available only to refugees who demonstrated need.

Initial processing after registration included medical screening (particularly for tuberculosis and venereal disease), an evaluation of employment potential, and an interview with one of the voluntary resettlement agencies to encourage resettlement away from Miami. In addition, refugees needing financial assistance were referred to the State Department of Public Welfare.

3. Financial Assistance

In developing a financial assistance program, HEW decided that existing Federal, State and local agencies would be used to prevent duplication, and that the assistance provided to refugees must be based on the eligibility criteria utilized for U.S. citizens. Funding for the refugee program, unlike that for other welfare programs, was 100% Federal. In February 1961, HEW contracted with the Florida State Department of Public Welfare to administer the Federally financed programs for cash assistance, hospitalization, child welfare services, and the distribution of surplus foods to eligible refugees. When the program began, an eligible single applicant (or head of household) was entitled to a payment of up to $100 per month. This was later reduced to $60 per month for a single individual but remained at $100 per month for a refugee family. Actual payments were made on a sliding scale based on available income. During FY '65, for instance, average monthly payments for single individuals were $55, and were $95 for family groups. Although the payments were low, even for 1965, they corresponded with financial assistance payments made to Floridians under State programs.[8]

Other State welfare departments were requested to provide Federally reimbursed assistance to eligible refugees who had resettled outside of Florida. Over the years, every State except Arizona has participated in this program.

Unlike Florida, the other State agencies did not immediately begin these specialized cash assistance programs, perhaps because those settling in other areas included a lower percentage of potential welfare recipients than the Cuban population in Miami. For whatever reason, on June 30, 1965, roughly 20% of the Cuban refugee population in Miami were receiving welfare, as opposed to 4.5% of those living outside the Miami area.[9]

By 1975, however, this situation had changed, and, proportionately, the incidence of Cuban welfare recipients in Florida was less than it was in many other states, as Table 8 indicates. Cubans in New York, California and Massachusetts were much more likely to be receiving cash assistance than Cubans in Florida; clearly Cuban refugees did not choose to stay in Florida because of the generosity of the State's welfare system. This proportionately uneven distribution of welfare recipients among the states--despite the fact that the programs are totally Federally financed--occurred in the Indochinese program as well (see Part II, Chapter 4).

4. Health Services and Medical Assistance

Health and medical services were provided by the Dade County Public Health Office, and were funded by the Public Health Service. The services provided through the refugee medical clinic included outpatient services, dental, maternal and child health. Eligibility for outpatient services varied over time. Through the middle of 1962, only the "medically indigent" were eligible, as determined on a case-by-case review. During the next year, June 1962 to June 1963, free treatment at the clinic was authorized for all Cuban refugees who had registered at the Refugee Center. This determination was made on the grounds that an assumption of medical indigency was less expensive than an actual review of assets.

There was another policy reversal in July 1963, when eligibility for outpatient care was made contingent on eligibility for

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[8] _Ibid._, pp. 66-67.

[9] _Ibid._, p. 159.

TABLE 8

Distribution of Cuban Welfare Assistance Population and Cuban Alien Population, 1975, by Selected States

(as percents)

STATES	Persons in Cuban Welfare Program*	Registered Cuban Aliens	Variation From Norm (norm=1.00)
Florida	44.9	56.6	.79
California	17.1	7.6	2.25
New York	15.0	10.1	1.49
New Jersey	11.6	11.6	1.00
Illinois	2.6	2.7	.96
Massachusetts	2.1	.7	3.00
All Others	6.7	10.7	.63
TOTAL	100.0	100.0	1.00
N =	28,861	324,729	

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*Excludes SSI beneficiaries.

Sources: Data on Cuban refugee welfare recipients from Report: Review of the Cuban Refugee Program, prepared by an HEW Review Team for the Administrator of the Social and Rehabilitation Service, September 1976, Appendix page 14. Data on Cuban registered aliens from INS Annual Report, 1975, Table 35.

financial assistance since many of the refugees were obtaining employment. Hospitalization was provided to eligible refugees under contracts between the Florida State Department of Public Welfare and Dade County hospitals. Except in emergencies, however, the Refugee Program reimbursed hospitals for medical services only when a refugee had been referred by the Refugee Center.

In recent years, HEW's Cuban Refugee Program has continued to reimburse State and local agencies for the costs of medical care provided to eligible refugees. Outside Dade County, Florida, reimbursement is made through the Medicaid system. In Dade County, however, two separate systems are used. Medical services are provided through the State Medicaid system for Cuban refugees who are recipients of AFDC or SSI. For Cuban refugees who are receiving general assistance payments, the State of Florida has a contract with a health maintenance organization (HMO) (the International Medical Center) which provides medical and hospitalization services for refugee general assistance recipients in Dade County. The cost of the HMO program ($55 per month per refugee) is borne by the Federal Government. In 1977, the average monthly Medicaid payment per recipient in Florida was $115.[10] It would appear that, while there may be substantial differences between the HMO and Medicaid populations in this situation, the HMO system is more cost-effective than Medicaid.

5. Surplus Food and Food Stamps

A food distribution office was opened for refugees in April 1961 by the Florida Welfare Department. The cost of this program was reimbursed by the Cuban Refugee Program. Refugees receiving cash assistance were eligible to receive surplus foods once a month. Approximately 60% of the eligible refugees participated in the surplus food program. This program was subsequently replaced by the Food Stamp program.

6. Education and Training

- Assistance to Dade County Schools - Federal impact assistance has been used to help Dade County finance the education of Cuban refugee children. The numbers of refugee children have ranged from 4,675 (in the second semester of the 1961 school year) to a high of 31,292 in FY '70. Since

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[10] U.S. Department of Commerce, Bureau of the Census, Statistical Abstract of the United States, 1978. (Washington: U.S.G.P.O., 1978.), Table 551.

1966, only those Cuban refugee children who have been enrolled in U.S. schools for less than 45 months are eligible to be included in the pupil count.[11] A variety of reimbursement methods have been in effect over the years between HEW and Dade County. Pursuant to the agreement in 1961, the Federal Government agreed to make a one-time payment of $360 for classroom facilities plus one-fourth of the annual cost for each refugee child enrolled during the 1961 spring term. This was later changed to a subsidy based on the pupil count multiplied by a stipulated percentage not to exceed 50% of the average district per pupil cost of instruction.[12] Since FY '74, a set amount ($12.4 million) has been included in the Federal budget for this purpose, and this amount will decrease annually as the program gradually phases out and terminates in 1983.

- Adult Education - The Federal Government, through the Cuban Refugee Program, continues to make funds available for adult education and vocational training for Cuban refugees, but not outside of Florida. Because of the importance of English ability in obtaining employment, great emphasis was placed on adult English courses by the Refugee Program, even to the extent of paying the costs of transportation to classes. In addition to English training, many refugees took advantage of trade and vocational training. There is still strong interest in developing additional training opportunities for Cuban refugees who are on cash assistance, and English and vocational training activities will be necessary for the Cuban political prisoners who are currently arriving in Miami.

- Student Loan Program - In order to assist college students who otherwise would have been forced to terminate their studies, interest-free loans of up to $1,000 were made available to students during the 1960-61 academic year. In 1963 the program was modified so that loans to refugee students were made on the same basis as to all other students--at a 3% interest rate payable within ten years of graduation.

- Professional Training - Like the Hungarian refugees before them, the Cuban refugee professionals had the same problems with respect to certification, licensure and meeting U.S. professional standards. For refugee physicians, the University of Miami organized English and professional refresher courses which were initially funded by a combination of University and foundation funds. Subsequently, HEW paid virtually the entire cost. By mid 1964, 85% of the 1,600 physicians who participated in this program were qualified to practice in hospitals as interns or residents. By the spring of 1967, the average cost per Cuban physician in this program was only about $300--a remarkable social investment.[13] Almost all of the Cuban refugee physicians who entered the U.S. have been or are now being licensed to practice medicine.

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[11] Report: Review of the Cuban Refugee Program, prepared for the Administrator of the Social and Rehabilitation Service by "an eight-member team engaged in a five-week review of the Cuban Refugee Program" (Washington, September 1976, mimeo), p. 57.

[12] In 1965, the Federal Government proposed a policy of providing a Federal subsidy only for children whose parents were receiving public assistance. However, this proposal was rejected by Congress. See Wynkoop, op.cit., p. 112.

A program for Cuban dentists was begun in 1964 under which they were admitted to third year standing in several Eastern dental schools and received maintenance grants and tuition loans of up to $2,000 a year. Florida passed a law in 1974 which made it easier for Cuban professionals to be licensed after successfully completing a training program, passing a board examination in Spanish and showing some language ability in English.

7. Unaccompanied Minors

One of the most important and difficult aspects of the refugee program was the presence of large numbers of unaccompanied children. Although the Federal Government funded the program for these children, it was implemented almost exclusively by private agencies.

Cuban parents, worried that Castro's government would attempt to indoctrinate their children or force the older ones into military service, began to send their children to the U.S. Legal custody for the children remained with the parents in Cuba since it was anticipated that the separation would be brief.

The unaccompanied children who arrived in 1960 and early 1961 were sent either directly to relatives or friends, or were cared for by the Catholic Welfare Bureau in Miami. As it became clear that the numbers of unaccompanied children would increase dramatically, President Kennedy ordered the creation of a special program for these children. As part of the overall refugee contract negotiated between HEW and the Florida Department of Public Welfare, it was agreed that the latter would develop an emergency program for the unaccompanied children. In turn, the Florida Welfare Department awarded contracts to four voluntary agencies to provide foster care for these children.[14] The contract provided for Federal reimbursement of the costs of child care at the rate of $6.50 per day for those in group care, and $5.50 per day for those in foster care. The direct care costs were for shelter, clothing, food and other essentials. The voluntary agencies were also reimbursed for transportation costs and incidental expenses in relocating children outside of Miami and for the actual costs of medical treatment for serious illnesses.

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[13] John F. Thomas, "Cuban Refugees in the United States," International Migration Review, 1 (Spring 1967): 54.

Between 14,000 and 15,000 unaccompanied children had entered the country by 1965. Half of these children were quickly reunited with family members, relatives or friends. The remainder were cared for through the efforts of the voluntary agencies and their affiliates. By April 30, 1967, 8,331 children had been provided foster care with the largest number (7,041 or 84.5%) being assisted by the Catholic Welfare Bureau of Miami. Federal reimbursement for both foster and institutional care, and for transportation and special services, amounted to $28,531,489, or an average of $3,425 per child.[15]

When the airlift from Cuba to the U.S. began in December 1965, special priority was given to reuniting Cuban parents with their children already in this country. As part of the resettlement planning, the voluntary agencies attempted to resettle and reunite a family in the location where the child was already living. By April 30, 1967, 62,861 Cuban refugees had arrived on the airlift and the number of children in foster care had been reduced to 375 cases.[16]

8. Federal Expenditures on Cuban Refugees in Retrospect

Looking back at the patterns of Federal spending in the Cuban program, over the years, one is struck by three salient facts:

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[14] These agencies were the Catholic Welfare Bureau of Miami, the Children's Service Bureau of Dade County, The Jewish Family and Children's Service of Miami and United HIAS Service in New York.

[15] Department of Health, Education and Welfare, Social and Rehabilitation Service, Children's Bureau, Cuba's Children in Exile: The Story of the Unaccompanied Cuban Refugee Children's Program. (Washington: U.S.G.P.O., 1968), 0-297-602. p. 6. Federal Expenditures for the Cuban Refugee Program, FY '61 - FY '80, an unpublished document obtained from the HEW Refugee Program, indicates that $29,306,000 was expended on the unaccompanied children through the end of FY 1966.

[16] Cuba's Children in Exile, op.cit., p. 5.

- the program was expensive, an estimated $1.4 billion dollars, or about $1,861 per capita;

- there appears to be a substantial lag time between increases and decreases in the flow of refugees, and in the related expenditure patterns; and

- there were substantial changes in the mix of programs funded by the Cuban Refugee Program over the years, mostly related to the aging of that population.

Table 9 shows Federal expenditures for each year between FY '61 and FY '80 (estimated), as the program grew from a modest $4,089,000 in FY '61 to a peak of $143,686,000 in FY '74, and back down to about $45,000,000 for FY '80. Were these data to be converted to constant dollars, the increases between 1961 and 1974 would not appear to be as dramatic, and the decline since then would be more drastic.

Chart 1 displays the lag time between refugee arrivals, the receipt of cash assistance and total Federal expenditures. It should be noted that the number of cash assistance recipients also includes an estimated number of SSI recipients. The chart shows that refugee entries fell sharply between FY '62 and FY '63; the number of welfare recipients dropped 12 months later, and at that time Federal expenditures began to decrease slightly. Similarly, between FY '65 and FY '66 entries increased sharply, 12 months later the welfare case load rose substantially, and Federal expenditures rose more gently. The tides turned in 1971 when entries fell rapidly, in FY '72 when the number of welfare recipients dropped and in FY '73 when, belatedly, Federal expenditures declined.

The gap between changing levels of entries and numbers of welfare recipients seems to relate to a number of factors: one of them must be that private sector resources (friends, relatives, refugee savings, if any, and voluntary agency assistance) must postpone the visit to the Welfare office for many refugees, while making it unnecessary for others. The lag time between entries and expenditure levels also represents, of course, the all too well known molasses-like process used to make Federal funding decisions.

In order to show the changing patterns of Federal expenditures--in terms of what was purchased--Table 10 displays

TABLE 9

Federal Expenditures for the Cuban Refugee Program, FY '61 - FY '80

(in thousands of dollars)

Fiscal Year	Expenditure
1961	4,089
1962	38,502
1963	56,028
1964	46,012
1965	32,532
1966	35,825
1967	45,594
1968	55,227
1969	70,649
1970	87,412
1971	112,125
1972	136,726
1973	143,686
1974	114,843
1975	84,236
1976*	82,645
1977	80,511
1978**	71,950
1979**	52,000
1980**	45,264
TOTAL	1,395,856

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*Excludes transitional quarter.

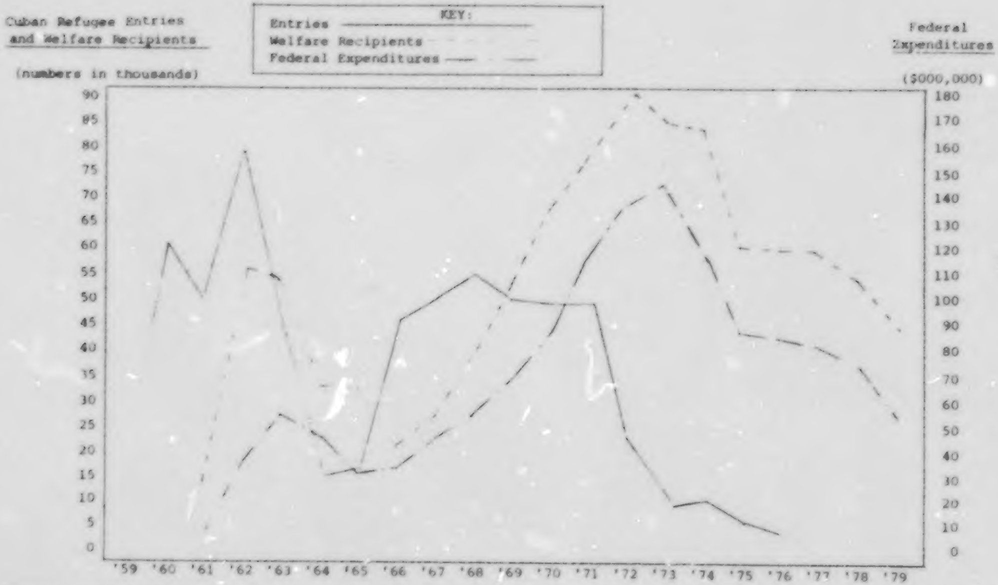
**1978-1979 data are budget estimates; 1980 figure is the zero based budget estimate.

Source: Unpublished data secured from the Refugee Program Staff, Office of Family Assistance, SSA, HEW.

CHART 1

Cuban Refugees: Entries, Welfare Recipients, and Federal Expenditures

1959-1979



Source: Cuban entries from unpublished INS data; data on number of welfare recipients and level of federal expenditure from unpublished data supplied by the Refugee Program Staff, Office of Family Assistance, SSA, HEW.

TABLE 10

Distribution of Federal Expenditures for the Cuban Refugee Program, by Type of Assistance, FY '61-'65, FY '66-'70, and FY '71-'75 (five year totals), and FY '76 and '77

(as percents)

Type of Assistance	FY '61-'65	FY '66-'70	FY '71-'75	FY '76	FY '77
Cash Assistance	48.5	45.7	64.9	32.3	31.4
Medical Assistance	4.7	7.8	12.8	43.6	42.4
Other - Social Services	3.5	4.7	3.8	8.9	8.6
Education	19.9	27.7	14.3	13.8	16.2
Unaccompanied Children	14.7	2.2	0.7	-	-
Administration	8.6	11.9	3.4	1.4	1.3
TOTAL	99.9	100.0	99.9	100.0	99.9
N= ($000)	177,163	294,707	591,616	82,645	80,511

Source: Unpublished data secured from the Refugee Program Staff, Office of Family Assistance, SSA, HEW the percent distribution of funds spent on Cuban refugees by six categories of assistance. It shows that in the first five years of the program 49% of the funds were spent for cash assistance, 20% on education, and 15% on unaccompanied minors. By 1977 medical care had become the most expensive single item, at 42%, while 31% was spent on cash assistance, education had declined to 16% of the total, and the unaccompanied minors had ceased to be a factor. Stated another way, the mix of services and assistance purchased by the Federal Government changed over the years to reflect the aging of the target population, which, as mentioned earlier, was an older than average refugee population even when it arrived. The unaccompanied children found parents and grew up, cash assistance dropped as people found jobs (or their way onto SSI rolls, which are excluded from these tabulations), and medical costs rose as people grew older, and as the cost of medical care grew more rapidly than the cost of living generally.

9. Cuban Refugee Program Phaseout

During the 17 years since the enactment of the Migration and Refugee Assistance Act of 1962, the legislative basis for the Cuban Refugee Program, the Cuban refugees have made great economic progress. While there are still Cuban refugees who require assistance (particularly the currently arriving political prisoners), the majority of this refugee population has become self-sufficient. Accordingly, the need for a continuing special program to assist the States in providing services for these refugees has declined substantially. Congress approved a six-year phasedown of this program, beginning in FY '78. The phasedown percentages are as follows:

Fiscal Year	Federal Share of Funding
1977	100%
1978	95%
1979	85%
1980	75%
1981	60%
1982	45%
1983	25%
1984	-0-

Thus, during FY '79, HEW is reimbursing the States 85% of refugee cash and medical assistance costs and State and local administration and social services costs.[17] The phasedown of education cost reimbursement to Dade County is based on the same percentages used in the welfare assistance program, but applies them to costs in FY '77. Hence, the education grants to Dade County for FY '79 are 85% of actual 1977 costs.

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[17] During FY '78 Medicaid costs for refugee SSI recipients were reimbursed at 100%. This exception to the phasedown level was authorized in the program appropriation for FY '78.

One of the reasons why Dade County has been so successful in resisting the efforts of Federal officials to phase-down the program has, no doubt, been the fortuitous committee assignments of its legislators in Washington; one of the State's senators is a majority member of the Senate Appropriations Subcommittee for HEW-Labor, and one of the County's three Congressmen is, similarly, a majority member of the House Appropriations Committee

Moreover, Florida has used a separate accounting and fiscal management system for Cuban Refugee Program funds. Thus, the administrative mechanisms for the program are different from the mechanisms for the regular State and local financial assistance programs. The dual system approach has made the State program highly visible and clearly distinct from similar State assistance programs. This procedure has reinforced the State's perception of Federal fiscal responsibility for the Cuban Refugee Program.[18]

D. Resettlement - The Private Sector Response

The Cuban Refugee Program was the first in which comprehensive Federal financial assistance was provided to refugees outside a refugee reception center. Despite the cash assistance, social and medical services and training programs financed by the Federal Government, the traditional voluntary agencies had a major role in the resettlement effort. As they had in the past, the resettlement agencies and their affiliate organizations provided the actual resettlement services in relocating refugees and assisting them in their struggle for self-sufficiency.

As the numbers of refugees arriving in the Miami area began reaching crisis proportions, the political solution was to seek to resettle refugees throughout the United States. Thus, "resettlement" in the Cuban Refugee Program was defined as resettlement of refugees away from Miami. Contracts to provide such resettlement services were signed with the four voluntary agencies that had initially received contracts to provide assistance to the Cuban Refugee Emergency Center in Miami.[19] These contracts were concluded first by Mr. Voorhees and later extended by Secretary Ribicoff. The Federal Government agreed to reimburse the agencies for the costs of transportation to the new resettlement location and for "reasonable expenses incidental to such travel." Moreover, the government agreed to pay a per capita amount of $60 for resettlement and "miscellaneous costs." The contracts clearly stipulated that the resettlement agencies would not be reimbursed for expenses which were not covered by the contract.

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[18] Review of the Cuban Refugee Program, op. cit., p. 39.

In 1964, the contracts were renegotiated and contained new provisions. The government continued to pay for transportation costs and incidental expenses, plus the $60 per capita payment; however, these costs and expenses were more precisely defined. The contracts also defined the responsibilities of the public agencies and the resettlement agencies and were more specific about the types of services to be performed by both agencies. In addition, the contracts contained an "Adjustment of Payments for Assistance and Services" clause. This clause permitted the resettlement agencies to request an adjustment of payment from the Government, but not to exceed 15% of the $60 per capita resettlement grant.[20] The contracts also required record-keeping and accounting procedures. According to representatives of some of the voluntary agencies, the administrative mechanisms were quite burdensome. This was the principal reason why in subsequent non-Cuban refugee movements the agencies requested per capita grants from the Department of State which would not require detailed cost-reimbursement accounting procedures.

The four resettlement agencies operated independently and developed their own resettlement methods for the Cuban Refugee Program based on past resettlement activities and their national and affiliate agency structures.

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[19] These agencies were the Catholic Relief Service of the National Catholic Welfare Conference (CRS), Church World Service (CWS), United HIAS Service (HIAS), and the International Rescue Committee (IRC).

[20] The per capita resettlement grant did not cover all the costs incurred by the voluntary agencies for resettlement services. HIAS estimated, for instance, that for the period 1961-1964 their costs exceeded Federal reimbursements by about $700,000. In addition, IRC spent about $350,000 of its own funds on refugee operations in 1960 and 1961 prior to the creation of the Cuban Refugee Program.

Since most of the refugees were Catholic, the Catholic Relief Service carried the heaviest burden. CRS organized its program through the diocesan resettlement offices, each of which is autonomous. Special offices were set up in New York City and New Orleans to assist large numbers of Cuban refugees in those cities who had not entered the U.S. through Miami and who were thus not eligible for the Federal program.

Church World Service activities were coordinated through its New York office and resettlement activities were undertaken by local denominational representatives: the parishes, synods, and congregations of the denominations represented in CWS. CWS initiated flights from Miami, in which groups of refugees were resettled simultaneously in the same city to provide the cultural reinforcement and mutual support that might otherwise have been lacking.

United HIAS Service, because of its long experience in resettlement work and the extensive network of comprehensive social service programs around the country, was active in resettling the small number of Jewish refugees. HIAS's approach included the use of extensive pre-planning (i.e., developing a comprehensive resettlement package prior to moving a refugee family).

The International Rescue Committee was the only non-sectarian agency involved in the Cuban Refugee Program. Unlike the other agencies, it did not have local affiliates; however, it opened several branch offices and established working relationships with such groups as the Nationalities Service Centers, Travelers Aid, Chambers of Commerce and other service organizations.

As in the Hungarian program, the voluntary resettlement agencies relied on their local affiliates to develop sponsors. Unlike the Hungarian program, however, the availability of Federal assistance generally precluded the need to provide as extensive voluntary, community-based services to refugees.

There were, of course, problems in the attempt to resettle refugees away from Miami. Many thought that Castro would be overthrown, and they could return to Cuba. Others refused to leave Miami because they were waiting for friends and relatives. For many, jobs had been located and there was no financial pressure to leave. Some feared that they would be unable to receive financial assistance if they left Miami. Many refugees did not want to leave the Cuban atmosphere of Miami, and some were afraid of the colder winters in other parts of America. Because of the reticence to resettle outside Miami, the Federal

Government made a decision that financial assistance and other program benefits would be denied to refugees who refused to accept an appropriate resettlement opportunity. It is not clear how vigorously this policy was enforced; on the other hand, a very substantial minority (almost half) of the Cuban refugees, resettled outside the State of Florida.[21]

E. Geographical Distribution

What were the geographical patterns of the Cuban resettlement? Did they all simply stay in Dade County, as some casual observers might suppose? Table 11 sheds some light on these questions, even though it does so through a complex proxy measure. (Hard data on the geographical distribution of Cuban-born persons was not published for the 1970 Census, so a proxy is used consisting of the total number of Cuban-born persons who were naturalized between 1961 and 1977 as well as the Cuban aliens who registered with INS in January, 1977.)

Despite its limitations, Table 11 suggests several trends in the years covered. First, the majority of all identifiable Cubans in the U.S. in 1977 lived in Florida. Second, the Cuban population of Florida increased rapidly, by more than 450%, but so did the national population of Cubans. Third, the Cuban population in some states increased much more rapidly than it did in Florida; note the percentage increase figures in the table's last column for the states of California (1269%), Texas (870%), and New Jersey (749%). Fourth, there was a substantial Cuban colony in New York at the beginning of the refugee movement, but it apparently attracted very few of the new arrivals.

While this table was not constructed to study the naturalization process--state of naturalization data were used for the lack of other, hard data on the current location of the refugees--some state-by-state naturalization trends are evident. Proportionately, there appears to be a relatively low rate of Cuban naturalizations in Florida and relatively high rates in New York and in Puerto Rico. We can offer no explanation for this phenomenon.

F. Analysis

The goals of the Cuban refugee resettlement program were much more ambitious than those of the Hungarian program, though

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[21] Wynkoop, op.cit., p. 150-51, and conversation with Mr. Phil Holman, Director, Special Programs Staff, SSA, HEW.

TABLE 11

Distribution of Cuban-Born Populations, by Selected States, 1961 and 1977

State	Permanent Resident Registered Aliens 1961 Number (1)	1961 Percent (1)	1977 Number (2)	1977 Percent (2)	Cumulative Naturalizations 1961-1977 Number (3)	Percent (3)	Total cols. (2)+(3) Number (4)	Percent (4)	Absolute Increase (4)-(1) (5)	Relative Increase (4)÷(1) (6)
Florida	58,751	52.7	176,258	56.6	88,923	45.5	265,181	52.4	206,430	451.4
New Jersey	7,563	6.8	37,657	12.1	19,003	9.7	56,660	11.2	49,097	749.2
New York	29,089	26.1	30,172	9.7	31,794	16.3	62,506	12.3	33,417	214.9
California	2,785	2.5	25,976	8.3	9,362	4.8	35,338	7.0	32,553	1268.9
Puerto Rico	*	*	11,021	3.5	16,442	8.4	27,463	5.4	n/a	n/a
Illinois	2,375	2.1	8,047	2.6	6,218	3.2	14,265	2.8	11,890	600.6
Texas	684	0.6	3,159	1.0	2,830	1.4	5,989	1.2	5,305	875.6
Other States	10,274	9.2	18,898	6.1	20,676	10.6	39,574	7.8	29,300	385.2
TOTAL[1]	111,521	100.0	311,188	99.9	195,248	99.9	506,436	100.1	394,915	454.1

*Puerto Rico included in all other.

[1] Percentages may not add to 100 due to roundoff.

Source: Column 1 from INS Annual Report, 1961, Table 35; Column 2 from INS Annual Report, 1977, Table 35; and Column 3 from INS Annual Report, for the years cited, Table 42.

Note: Column 4 covers those who filed alien address reports in 1977 and those who were naturalized between 1961 and 1977. Not covered are those aliens who died without naturalizing, those aliens who left the country, those in parole status, those aliens who did not report to INS in 1977, and those who were naturalized before 1961.

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the time lag between the end of the Hungarian program and the beginning of the Cuban one can be measured in months. There were three basic reasons for this situation: first, there were the numbers. By June, 1960 there were twice as many Cuban refugees in the country as Hungarians, and eventually there were twenty times as many; clearly, the private sector alone could not handle such a challenge. Secondly, there was a pronounced change in philosophy between that of President Eisenhower and his advisor, Tracy Voorhees, and that of President Kennedy and his advisor, Secretary Ribicoff; and thirdly, there was the concern, and thus an attempt to do something about, the concentration of this large and growing refugee population in a single city. Fortunately, the Government's goals, included in Secretary Ribicoff's nine-point statement, were clearly spelled out, which is not always the case in such situations.

The resources utilized in the Cuban resettlement program were substantial and consisted primarily of Federal dollars--close to $1.4 billion of them. Considerable private resources and some local governmental resources were utilized, particularly early in the program, but by 1962 the Federal Government was bearing the main burden.

The services offered to the Cubans were much more comprehensive than those offered to the Hungarians. Whereas the Hungarians had been eliminated from the cash assistance programs because of their parole status, Cubans were given access to 100% Federally funded assistance programs. Similarly, a broad range of publicly supported medical and other supportive services were made available to the Cubans. Among the lessons one can draw from the Cuban experience in terms of service delivery were these:

- It is difficult to disperse a population, no matter what incentives are used and services offered, if it does not want to disperse itself.
- If existing institutions are culturally sensitive to the refugee population, as most were in the Miami area, they can be used to offer the special services needed by the refugees.
- Providing language training and skills upgrading to health care professionals is a particularly cost-effective service to a refugee population.
- There was, however, no apparent utilization of the lessons learned regarding the care of unaccompanied Hungarian children, and as a result, this was an expensive and difficult aspect of the resettlement program.

- Parole status remained a problem, though it was alleviated to some extent by special legislation. Similarly, the decision to make only those who registered at the Center in Miami eligible for Cuban Refugee Program services created needless inequities and may have, unwittingly, helped concentrate Cubans in Miami.

In terms of the institutional setting for the Cuban program, a single Federal structure emerged, this time the Department of Health, Education and Welfare. No other Federal agencies were involved (with the exception of the usual admissions, adjustment and naturalization functions of INS; some employment assistance from DOL; and surplus food distribution by the Agriculture Department), and HEW worked out fairly clear-cut contractual arrangements with State and local governments and with voluntary agencies, to handle specific aspects of the resettlement process.

There were, however, some noticeable institutional weaknesses in staffing patterns and in the funding process. The Miami Center had four directors during the period February 1961 to September 1964, and staffing turnover continued, albeit at a slower rate, thereafter. This was not only a feature of the Cuban program, but also of other Federally assisted refugee efforts.

As with many other Federal programs, it was difficult to start the funds flowing when the Cubans' needs were urgent, and then, later, it was difficult to terminate the flow when the needs were fulfilled. It took more than three years to establish a normal appropriations process for the Cuban program, which was first funded by the extraordinary act of the President of the U.S. allocating $1 million to an individual citizen, and subsequently funded through a series of transfers from ICA (now AID) to HEW. It was not until July 1963 that HEW received its first direct appropriations which permitted more adequate program financing and staffing. Once the program was operating, however, it reacted only slowly to the decline in urgency and the successful resettlement of most of the [illegible] refugees. It may be necessary, in order to better [illegible] costs of future refugee programs, to put a limit on the number of years an individual refugee may receive services rather than to try to phase out the program, per se, as has been the case with the Cuban program.

Unlike the Hungarian program, some efforts were made to measure the results of the Cuban resettlement program, and to evaluate them. There have been several internal HEW studies,[22] and records continue to be kept on the number of welfare recipients and the amount of money spent on welfare and other aspects of the program. These show that one year after the number of arriving refugees dropped off, in 1973, welfare rolls began to decline as well, and that this trend is still continuing.

Although some useful data have been collected on the Cuban Refugee Program, and although we can derive some lessons from those data (such as the utility of the physician-training programs), it would have been helpful if some of the fairly readily accessible cost-benefit data had been collected and analyzed. For example, although the Cuban community in Dade County is a prosperous one, generally, and has helped make Miami a business and cultural center for Latin America, relatively little research has been done on contributions made by this community to the nation as a whole. It would be interesting to know, for example, how the income tax contributions made by this community over the last twenty years, which are unknown, compare to the better-documented data on Federal expenditures.

In the final analysis the major indictment against the Cuban refugee program is that it served its clients, too long, at Federal expense, not that it served them ineffectively.

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[22] Wynkoop, op. cit.; Federal Expenditures for the Cuban Refugee Program, op. cit.; and Review of the Cuban Refugee Program, op. cit.

PART II

CHAPTER 3: CHILEAN, KURDISH AND SOVIET REFUGEE PROGRAMS

By way of contrast to the refugee programs for the Hungarian, Cuban, and Indochinese refugees, it is instructive to briefly examine the arrangements made for Kurdish and Chilean refugees on the one hand, and for the Soviet refugees on the other. Efforts for the first two groups of refugees were mounted with minimal resources, and for the latter with very substantial support.

A. Background.

Kurds are a non-Arabic Muslim people residing in several Middle Eastern nations, in all of which they are a minority. Conflict between the Kurds and the majority populations break out from time to time, and during the early 1970s the Kurds mounted a full scale rebellion agains the Government of Iraq, clearly with the support of Iran. Iran withdrew her support from the Kurds, the rebellion collapsed, and some Iraqi Kurds (who fit the 1965 Amendments' definition of a Middle Eastern refugee) managed to travel to Tehran and apply for admission to the U.S. as conditional entrants. Between 800 and 900 of them arrived, largely during 1976 and 1977.

In September 1973 the President of Chile, Salvador Allende, who had been elected by a leftist coalition, was assassinated in a rightist coup led by General Augusto Pinochet. A military junta took power, and killed, imprisoned and expelled thousands of Allende's supporters. The U.S., which has been most receptive to those fleeing from left-wing dictatorships, was less than enthusiastic about admitting the Chilean political refugees. Eventually, however, permission for 400 of them to enter with their families was granted in 1975; a decision to admit 200 more Chileans was made the following year. Most recently the U.S. initiated a Hemispheric Program which allows the entry of 500 more political refugees and their families from South American nations. The latter program, however, apparently has not been utilized widely.

The U.S.S.R. maintains one of the world's longest and most tightly controlled borders; international travelers, in both directions, are carefully scrutinized. A Soviet citizen wanting to leave that land must secure an exit visa, and until 1971 so few were granted that emigration was virtually non-existent. Since then, the Soviets have made it somewhat easier to secure the exist visa, and many Soviet dissidents, including relatively large numbers of Jews, have left the nation, transiting through Austria en route to Israel, the U.S., and other Western nations.

During the years 1971 through 1973, more than 90% of the 77,345 Jewish migrants leaving the U.S.S.R. went to Israel, but following the Yom Kippur War of 1973, increasing percentages of those leaving the Soviet Union opted to come to the U.S. This trend is reflected in the following table:

Resettlement Patterns of Soviet Refugees, 1971-1976

Calendar Year	Refugees from Russia	Refugees Moved to Israel	Percent	Refugees Resettled in Other Countries[1]	Percent
1971	8,704	8,392	96.4	312	3.6
1972	32,496	31,606	97.5	800	2.5
1973	36,235	33,280	91.8	2,955	8.2
1974	22,084	16,846	76.3	5,238	23.7
1975	15,590	8,395	53.9	7,195	46.1
1976	15,761	7,238	45.9	8,523	54.1
TOTAL	130,780	105,757	80.9	25,023	19.1

While departing Soviet dissidents were showing a growing preference for the U.S. (as opposed to Israel), the United States pressed the Soviets to grant exit visas more freely. This was reflected in both President Carter's human rights initiatives and in the Jackson-Vanik Amendment to the Federal Trade Act of 1974, which linked the lowering of trade barriers to Soviet goods to a more liberal exit policy. Since the U.S. is pressing the U.S.S.R. to permit more dissidents to depart, the U.S. has adopted an open-door policy towards the admission of such dissidents--all who can secure exit visas and who want to come to the U.S. are granted permission to enter, usually as conditional entrants or parolees.

According to INS, refugee entries (conditional entrants and parolees) from the U.S.S.R. have increased sharply in recent years:

FY '75	3,241
FY '76 (including TQ)	5,035
FY '77	4,647
FY '78	9,175
FY '79 (first nine months)	16,349

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[1] Excludes ex-Soviets returning from Israel. Source: Comptroller General of the U.S., *Report to the Congress; U.S. Assistance Provided for Resettling Soviet Refugees* (Washington: U.S.G.A.O., June 20, 1977), p. 3.

B. Public Sector Activities

For all practical purposes there was no public sector support for the resettlement of the Kurds and the Chileans when these two groups arrived. Such movements in the future, however, are scheduled to be partially supported by the State Department's flat $250 per capita reception and placement grant to resettlement agencies (which covers all non-Cuban and non-Indochinese refugees). On October 1, 1979 this grant is scheduled to be increased to $350.

Although no special refugee programs were created for the Kurds and Chileans, such as the expanded support services provided to the Indochinese and Cubans, they had the same rights as other aliens to various social service and income transfer programs. From what little data exist on the subject, it appears that they have participated only minimally in such programs. For example, of the 160 Chileans who have settled in Seattle, Washington, only one person was receiving public assistance in May, 1979, according to a statement made at the Belmont Seminar by Patrick Taran, Director of Seattle's Chilean Refugee Resettlement Program. (Taran, incidentally, managed to secure several full-time workers paid for by CETA funds to support the activities of his voluntary program.)

The resettlement of the Soviet refugees in the U.S., on the other hand, is supported by substantial public as well as even more substantial private resources.[2] Since the beginning of the Soviet program, the voluntary agencies resettling the Soviets have had access to the State Department's per capita reception and placement grant.[3] It is interesting to note that although the grant is nominally for $250, the actual amount is related to the availability of appropriated funds divided by number of anticipated refugee arrivals rather than a reflection of the actual costs of services. In addition to the reception and placement grants, since the beginning of FY '79 interested agencies have been able to secure matching grants from HEW for up to $1,000 per capita for language and vocational training, cash assistance, orientation, and other resettlement services. $20,000,000 was appropriated for this resettlement initiative because of the lack of other special categorical aid such as was available for the Indochinese and Cuban refugees.

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[2] The U.S. has invested heavily in the resettlement of Soviet Jews in Israel, providing $120,615,000 for that purpose in the years 1973 through 1976. See Ibid., p. 2. Though an interesting program, it is beyond the scope of this report.

[3] The U.S. also supports the Soviet dissidents in Vienna and Rome at the cost of about $5-7 per day per capita; U.S. funds are also used, indirectly, to help support Indochinese refugees in Southeast Asian refugee camps, at an approximate cost of $1.25 per day per capita.

Voluntary agencies handling Soviet dissidents appear to be making strong efforts to keep these refugees off the welfare rolls, despite the fact that the Soviet emigrants may receive public assistance if they meet categorical eligibility. The GAO, for example, surveying 558 refugee families in New York City in 1977 found that 134, or 24% of the families, had secured some form of public assistance.[4] This rate is about the same as that experienced by the Indochinese at the same time, bearing in mind the differing eligibility criteria. These data, incidentally, were for a period prior to the $1,000 matching grant program.

Current estimates by the seven voluntary agencies participating in the matching grant program indicate that 55% of the combined Federal and voluntary contribution of $2,000 would be used for cash and medical assistance. Assuming that the agencies fulfill their assurance that these refugees will not go on AFDC, the 55% investment is significantly lower than the 80% investment currently made on these services for the Indochinese.[5]

C. Private Sector Support

Clearly, what resettlement assistance was provided to the Kurds and to the Chileans was done within the private sector. The national voluntary agencies were active, though sometimes drawing mixed reviews. Amnesty International, which is not a resettlement agency but in keeping with its focus on political prisoners, has served as advocates for the admission and resettlement of the Chileans. The Lutheran Immigration and Refugee Service (LIRS) had a special interest in the Chileans as well, because their church has been active in Chile, and its leaders there were deeply involved in seeking to help the political prisoners.[6] Church World Service and the International Rescue Committee have also sponsored these refugees.

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[4] Comptroller General, U.S. Assistance Provided for Resettling Soviet Refugees, op.cit., p. 42.(A handful of the Soviet refugees had collected SSI, but they are excluded from the statistics above to make them comparable with data on the Indochinese.)

[5] Conversation with Mr. Phil Holman.

[6] Lutheran Immigration and Refugee Service, Chile: The Land and Its People (New York: LIRS, August, 1978).

Much of the private sector's efforts on behalf of the Kurds and Chileans was the result of highly localized efforts, such as those of Father Moriarty's Roman Catholic Church of the Sacred Heart in San Jose, California; the Bay Area Program in San Francisco and Berkeley, California; and the Chilean Refugee Resettlement Program in Seattle, Washington. The existence of sympathetic communities with clusters of Chileans has shown that localized efforts such as these are extremely helpful in the resettlement process. The extent to which national voluntary agencies will assign future South American refugees to these existing communities will be an important indication of their cultural sensitivity.

Private sector support for the resettlement of the Soviet refugees, largely generated through the well-established network of Jewish community service agencies, is extensive and intensive. On the national level, HIAS is the most active of the voluntary agencies, resettling most of the Jewish refugees. Others involved are Ravtov, which handles religiously conservative Jewish refugees to a lesser extent, and, seven non-Jewish agencies (listed in Table 5).

Each of the voluntary agencies uses its own community networks. HIAS relies on the Council of Jewish Federations to mobilize agencies such as the New York Association for New Americans in that city, the Jewish Family and Community Service in Chicago, and other Jewish family and community service organizations in 140-160 cities across the country. The range of these services is broad enough, in the specific instance of Chicago, that the Jewish Federation of Metropolitan Chicago has published a 51-page book, in both English and Russian, outlining the services available to the refugees there.[7]

A fairly typical summary of the services offered to the Soviet refugees, in this case covering the New York and Chicago agencies, follows:

> "--limited financial assistance for such items as rent, food, clothing, and other basic needs;
>
> --casework counseling to aid with adjustment and family relationships;
>
> --funds of English instruction, although both agencies prefer to use public school facilities; and
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> --vocational and educational services, including evaluation of vocational skills, job and educational counseling, and job placement.

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[7] Jewish Federation of Metropolitan Chicago, Welcome to Chicago: A Guide for New Russian Immigrants Settling in Chicago (Chicago: JFMC, April 1979).

> Both agencies also used the facilities of other organizations to assist the refugees. The New York Association used city university facilities, training centers funded by the Federal Government, New York State employment offices, senior citizen centers, and municipal hospitals. The Jewish Family Service, except for using public schools for English instruction, preferred to use various Jewish private organizations such as the Jewish Vocational Service, Council for Jewish Elderly, and Jewish Community Centers."[8]

The particularly difficult problem of the Soviet emigres--who have spent their entire lives in a tightly-controlled and highly structured society in which individuals are rarely left in the typical sink-or-swim American environment--have created concern in academic as well as social service circles. As a result, there tends to have been proportionately more research and more critical analysis about the problems of this refugee movement than others.[9]

D. Geographical Distribution

The Chilean refugees have, understandably, settled where there are supportive local communities, notably in San Jose and San Francisco, California, and Seattle, Washington. Although no hard data are available, it appears that the largest single concentration of Kurds is in Nashville, Tennessee; apparently one of the early arrivals settled successfully in that city and drew others to that somewhat unlikely place for immigrants.

Similarly the Soviets have settled where communities were most receptive to them. Of the more than 10,000 U.S.S.R. migrants resettled by HIAS in the years 1971-1975, the principal areas of resettlement were as follows:[10]

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[8] U.S. Assistance Provided for Resettling Soviet Refugees, op.cit., p. 37.

[9] See, for example, Gilison, The Soviet Jewish Emigre, op. cit., in which a very frank discussion, at a 1976 National Symposium on the Integration of Soviet Jews into the American Jewish community, includes these comments: "...the...participation [of academics in the Symposium] may also be useful in understanding why Soviet immigrants often seem to be more attracted to counterproductive behavior than earlier groups. For example, while waiting in Italy for their papers to be processed many diligently learn new languages, but they learn more Italian than English; or they may get locked into negotiations with their worker (and the agency hierarchy) over who is going to pay the extra costs of baggage transfer and storage--and their energy is diverted from the major task of finding suitable entering jobs and preparing themselves to move upward." p. 139.

[10] Edelman, "Soviet Jews in the U.S.," American Jewish Year Book, op.cit., p. 168.

New York	45.7%
Los Angeles	7.7
Philadelphia	5.3
Chicago	4.6
Cleveland	3.1
Other areas	33.6
TOTAL	100.0

This pattern more closely resembles the distribution of immigrants generally a generation ago--when the overwhelming majority came to the northeast quadrant of the U.S.--than it does the recent influxes of either Cuban or Indochinese refugees.

E. Analysis

There are too little data on the Kurdish and the Chilean resettlement efforts, and the populations themselves are too small, for more than the most rudimentary kind of analysis. Clearly it is possible to conduct grassroots resettlement programs with little or no help from the national level, if the numbers are small, and if the community groups are sufficiently motivated. (The small numbers involved, however, may have been a major factor in the absence of national attention.) Perhaps the most useful lessons from this experience have already been at least partially acted upon. Those are: 1)the provision that reception and placement grants, henceforth, will be available for all refugee movements, no matter how obscure; 2)that under the proposed national refugee policy legislation all refugees would be entitled to Federally funded support services on the same basis; and 3)that resettlement in sympathetic communities which are culturally compatible eases the resettlement process for refugees.

The goals of the Soviet refugee program are ambitious and structured, while those for the Chileans and Kurds were modest and fragmentary. For example, regarding cash assistance, the following quotation is instructive:[11]

> "The common objective of the resettlement agencies was described by Burton S. Rubin, executive director of the Cleveland Jewish Family Service, in an address at the annual meeting of the National Conference of Jewish Communal Services in June 1975:
>
> > The basic life supportive services in our resettlement process--the provision of housing and furniture, maintenance, clothing,

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[11] *Ibid.*, p. 171 and footnote [6] contained therein: "The Soviet Refugee: Challenge to the American Jewish Community Resettlement System," *Journal of Jewish Communal Service*, No. 2, 1975, p. 198.

>> medical needs--are all geared to the concept that these tangible forms of assistance are time-limited emergency services moving toward casework goals and objectives of independence and self-support. We see the accomplishment of these goals as a sign of health and growth of individual adjustment.[6]

> For the newcomers, this may mean placement in jobs which do not pay too well and which they may consider below the level of their qualifications. A number of communities have set time limits within which they are given the opportunity of finding employment of their choice. If they fail, they are required to accept the first available job, or lose agency financial assistance. In Los Angeles, the refugees are given three months, in Boston up to four. Financial support is also withdrawn if they refuse two or three job offers during that period without good reason."

The goals of the Soviet refugee resettlement program are as comprehensive as--if not more so than--any other in U.S. history. The resources available to meet these goals are a mixed bag. There appear to be extensive private resources available through the Jewish community agencies (and to a lesser extent other resettlement agencies and their allies). Federal money appears to be less available than it is to the Indochinese, but far more than used on the Hungarians. Finally the group to be resettled, because of their lifetime exposure to a totally different kind of society, is, to say the least, a challenge. Perhaps the financial and community support resources brought to bear on this resettlement effort by the private sector are sufficient to overcome the relative lack of Federal support and the adaptation difficulties that accompany this group of refugees.

The services provided to the Soviet emigres are as comprehensive as those offered any group of refugees to the U.S. and are probably as fine-tuned to the needs of the refugees and the employment opportunities within the community as can be arranged.

Further, the institutional structures providing the services are about as stable as refugee-serving organizations can be in the U.S. Largely separated (presumably happily) from the unpredictability of the Federal funding process, free of Federal, state, and local civil service procedures, and supported by a traditionally generous and steady source of funding, the agencies in this program, particularly the Jewish ones, are in a strong position to assist the new arrivals.

What can be said in evaluating these programs? Again one wishes for more data, particularly longitudinal data, on what services were made available to whom and what the results were, in terms of the degree of dependency, extent of income, as well as the less quantifiable variables of health and happiness.

Concerning the Soviets, it is particularly important to know whether or not the trauma of resettlement in the U.S. is more or less traumatic than continuing to live in the Soviet Union or resettling in Israel. This refugee group, more than any other, has an aura of the volunteer about it--they really had more of a choice than most refugees. Did they make the right one for themselves? A 1975 study of Soviet Jews resettled in Detroit indicates:

> "...Only 11 percent would not leave the U.S.S.R., had they to do it all over, and while only 11 percent assert that their expectations of the U.S. have been completely fulfilled, two-thirds say that they have been at least partially fulfilled or 'more or less' fulfilled."[12]

If this is any indication, as it may well be, of effective resettlement, then the Soviet program is accomplishing its goals.

On a much narrower scale, cost-effectiveness in terms of U.S. dollars, the results of the program compare favorably with those of other, on-going Federally-funded refugee resettlement programs, in that the Federal investment is not large, and the incidence of public assistance cases (in the one study conducted by GAO) appears to be comparable to a recently-arrived group of Indochinese refugees.

One must note, however, that the special matching grant is available only for Soviets and other Eastern Europeans. Voluntary agencies wishing to initiate a similar effort for Cubans and Indochinese may not do so under the current authorization. If this approach proves to benefit the refugee more than the on-going support systems for non-Soviet and non-Eastern Europeans, the Federal Government should open up the matching grant mechanism for all refugees. This would not only avoid charges of discrimination but also would give other refugees access to an enriched package of social services.

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[12] Zvi Gitelman, "Demographic, Cultural, and Attitudinal Characteristics of Soviet Jews: Implications for the Integration of Soviet Immigrants," *The Soviet Emigre*, *op. cit.*, p. 81.

PART II

CHAPTER 4: THE INDOCHINESE REFUGEE RESETTLEMENT PROGRAM

Introduction

The collapse of the Government of South Vietnam in April 1975 precipitated the largest emergency mass migration of refugees to the U.S. in our history. From April through December of that year over 130,000 Indochinese refugees were paroled into the U.S. Between 1976 and January 1979, an additional 64,000 were admitted,[1] and an average of 5,700 entered per month between January and July 1979. Most recently, the President has authorized a total flow of 14,000 refugees per month to our shores. The continuing flow of Laotian and Cambodians into Thailand, as well as the tragic exodus of Vietnamese boat people have swollen the number of Indochinese refugees in camps in Southeast Asia to nearly 400,000.[2]

The growing numbers of these refugees have created major strains on the U.S. capability to fund the rapid movement of the refugees into the U.S. as well as resettlement services once they arrive.

This chapter will discuss the genesis of the Indochinese refugee resettlement program and will trace its development to the present. This review includes a description of the early stages of this refugee flow, the role of the refugee reception centers, the nature of public and private resettlement efforts, and the continuing policy issues. It concludes with an assessment of the diverse resettlement strategies utilized for this refugee program.

A. The Political Climate

When the Indochinese refugees fled Southeast Asia in April 1975, the perceptions and attitudes of the American people toward them, as well as the domestic economic situation, did not augur well for their welcome. The long and frustrating military involvement in South Vietnam was partly responsible for an initial feeling of ambivalence--even hostility-- about these refugees. This attitude was much more pronounced than for any of the earlier refugee movements to this country. A Gallup Poll taken in May indicated that Americans were opposed to admitting Vietnamese refugees by 54% to 36%.[3] A front page article in the Wall Street Journal cited the high unemployment rate (8.9%), the tremendous language barrier, the previously cited Gallup Poll, and insufficient government follow-up as factors that would substantially frustrate resettlement efforts.[4]

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[1] Comptroller General, Response to the Indochinese Exodus, op. cit., p. 103. The current estimate of the total number of Indochinese refugees resettled in the U.S. as of June 1, 1979 is 204,228.

[2] Data provided by the Office of the Coordinator for Refugee Affairs, Department of State, July 30, 1979.

Congressional reaction in May and June 1975 was mixed. Substantial concern was expressed about health and employment issues and the fiscal impact of so many refugees on American communities. Despite these reservations by some Members of Congress, the Judiciary Committees of both Houses moved very quickly with the Administration to design new refugee legislation which was enacted on May 22, 1975. The Indochina Migration and Refugee Assistance Act (PL 94-23) authorized a massive Federal role in reception and resettlement for a period of two years. A total of $503 million was made available for the first year, about $98,000,000 in AID funds by Presidential determination, $305,000,000 appropriated to the State Department, and $100,000,000 to HEW. Over half of the money, some $275,000,000, was spent on evacuation of the refugees and the operation of reception centers overseas and in the U.S. Approximately $75,000,000 was allocated to the voluntary agencies and other State-Department funded domestic activities, while $153,000,000 (including $53,000,000 transferred from remaining State Department funds) were channeled through HEW.

Responsibility for coordinating and managing the Indochina refugee program was assigned by the President on April 18 to the Interagency Task Force for Indochina Refugees (IATF).[5] The Task Force, which had its operational base in the State Department, was composed of 12 Federal agencies.[6] It was the single authority for allocating all appropriated funds, for refugee evacuation from Southeast Asia, for their reception and processing in Pacific and Stateside centers, and for organizing resettlement strategies with public and private agencies. Ambassador Dean Brown served as the IATF Director from April 18-May 27 and was succeeded by Julia Vadala Taft who directed the effort until it terminated on December 31, 1975.

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[3] Time, May 19, 1975, p. 9.

[4] "Vietnamese Refugees Find Starting Anew is a Frustrating Ordeal," The Wall Street Journal, May 22, 1975, p. 1.

[5] "Memorandum from the White House (National Security Advisor) establishing the Interagency Task Force for Indochina Refugees," April 18, 1975.

[6] Agencies represented on the Task Force were the Departments of State, Justice, Treasury, Defense, Interior, Labor, HEW, HUD, and Transportation; AID; Office of Management and Budget; and the CIA.

In addition to the Task Force, there was a President's Advisory Committee on Indochina Refugees which assisted in focusing public attention on the refugee resettlement effort and in establishing liaison with labor unions, national civic organizations, and professional associations.

B. Refugee Evacuation and Reception

The evacuation and logistics support provided by the U.S. military at staging sites in the Western Pacific was a remarkable achievement.[7] Refugees began arriving on Guam on April 23, primarily by military airlift and commercial airlines. By April 28, one day prior to the final evacuation of Saigon, there were 20,221 refugees on Guam in twelve different locations. Because of the refugee population pressures on the island, Wake Island was designated as a holding center, and 15,359 were processed through Wake before the site was closed in early August.

Guam's refugee population continued to grow, even though an average of 1,000 refugees a day were being transferred to mainland reception centers. On May 14, Guam's refugee population reached a peak of 50,233 evacuees living on the Island.[8] Without the logistical participation of the military, the evacuation and initial reception of the refugees in the Western Pacific holding centers would not have been possible.

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[7] These staging sites were located on Guam; Wake Island; Subic Bay, Philippines; Clark Air Force Base, Philippines; Bangkok, Thailand; and Hickam Air Force Base, Hawaii. The following provides a sense of the magnitude of the military effort during the first few weeks of the emergency program:

> "...500 acres of land were cleared at Orote Point (Guam), 3,200 tents erected, 191 toilet buildings installed, 300 shower facilities constructed, 20 miles of water pipe were laid, two miles of primary electric cable and 9 miles of secondary electric lines were installed, 35 transformers were connected, 16 miles of telephone cable and 16 miles of distribution wire for a PA system were brought in, 8 field kitchens were brought in and installed.
>
> Non-consumable camp material air lifted in 169 flights or brought by 5 surface lifts including 51,943 cots, 3,490 16' x 32' tents, 619 10' x 12' tents, 73,239 blankets, 296 field ranges, 24,133 mess kits, 783 emersion burners, 5,272 mattresses, 3,816 G.I. cans, 144 fire extinguishers, 62,261 5-gallon cans, 3,840 sleeping bags, 3,511 ponchos, 2,832 spoons, 60,260 towels; these were just some of the items brought in along with 2,500 tons of rice and 15,071 sheets of plywood."
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> Source: U.S. Congress, Senate, Committee on the Judiciary, Subcommittee to Investigate Problems Connected with Refugees and Escapees. Study Mission Report of Minority Counsel. Indochina Refugee Resettlement Program, July 8, 1975, p. 60ff.

1. Mainland Organization and Processing

Four Stateside reception centers were organized and managed by a joint civil-military structure with Task Force having the final responsibility. The Marine Corps at Camp Pendleton, California; the Army at Fort Chaffee, Arkansas and Fort Indiantown Gap, Pennsylvania; and the Air Force at Eglin Air Force Base, Florida, were responsible for logistical support including food services, housing, clothing, security, and other support services. The Task Force's civilian representatives were responsible for the refugee processing activities at the centers, including the coordination of all civilian governmental agencies as well as a large number of private agencies.

Processing activities at each center were basically the same. First biographical data was collected from arriving refugees; then they were sent to INS for fingerprinting, where a preliminary determination of parole eligibility was made. INS also processed security checks, a cumbersome process which delayed the release of many of the refugees from the centers for several weeks.

HEW was next in the processing chain with medical screening, assignment of Social Security numbers, resource determination to see if the refugee had adequate funds to be released without voluntary agency sponsorship,[9] providing assistance on family reunification, and explaining the role of the resettlement agencies. HEW also made arrangements to provide educational services at the reception centers and arranged for the placement of unaccompanied children.

The Department of Labor's (DOL) involvement was modest, although important. DOL provided resettlement agencies with lists of high unemployment areas, where resettlement would be particularly difficult, and, on the other hand, identified areas where special skills could be utilized and job opportunities were present. DOL representatives at each center assisted in evaluating and coding the skills of each refugee to assist voluntary agencies in matching refugees to job offers.

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[8] Guam refugee population figures from the Guam After-Action Report, an undated manuscript on the history of the refugee flow on Guam.

[9] Since the initial group of refugees included a number of prominent former political and business leaders from South Vietnam who left with some of their savings, it was determined that any refugee who had $4,000 or more would be released by the center without voluntary agency sponsorship--although all refugees still had to await security clearances prior to their release.

Throughout the operation of the centers, civilian Indochina experts from the Department of State, AID, and the U.S. Information Agency played useful roles due to their language skills and understanding of the cultural nuances of the Indochinese.[10]

2. Sponsorship and Placement

With the few exceptions noted earlier, refugees could not leave the centers unless they were officially sponsored. The responsibility for locating sponsors fell primarily on the traditional voluntary resettlement agencies. Under broadly stated contracts with the State Department, the nine resettlement agencies (whose operations were described in Part I, Chapter 4) received a grant of $500 for each refugee they resettled.[11]

Due to the highly visible nature of the refugee plight, more than 20,000 offers of assistance from individuals flooded the Task Force's toll-free line during the first few weeks of operation. These offers were turned over to the voluntary agencies for verification. Because of the large number of refugees needing sponsors, several agencies accepted individual sponsors in addition to utilizing their existing networks. (That process proved to be quite unsatisfactory because of the inability of the agencies to verify the capability of the would-be sponsors. After several unfortunate placements to non-verified sponsors, most agencies refused to utilize individual sponsors, believing that the burdens of sponsorship can be borne more effectively by church groups and other organizations, rather than individuals.)

At the reception centers, the voluntary agencies interviewed refugees to match them with available sponsors. When a match was arranged the refugee was released from the center and sent to his sponsor. The resettlement agencies had a continuing moral, rather than legal, responsibility to assist the refugee and sponsor if such assistance were needed. The varying levels of support subsequent to placement with a sponsor has often resulted in quite different resettlement experiences for the refugees--a situation which merits closer examination.

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[10] For additional information on the activities of the reception centers, see Interagency Task Force for Indochina Refugees, Report to the Congress, of June 15, 1975 and September 15, 1975; the military After Action Reports for each reception center; and the relevant reports of the General Accounting Office. (Refer to the bibliography for full titles.)

[11] American Council for Nationalities Service, American Fund for Czechoslovak Refugees, Church World Service, International Rescue Committee, Lutheran Immigration and Refugee Service, Tolstoy Foundation, Travelers Aid-International Social Services, United HIAS Service, Inc., U.S. Catholic Conference Migration and Refugee Services.

Initially the voluntary agency sponsorship processing was slow as each agency had to hire staff and gear up its operations. This led Task Force officials to question whether the existing networks had the capacity to resettle all the refugees within a reasonable amount of time. For this reason, the Task Force authorized the participation of States and local governments as direct resettlement agencies. This was a sharp departure from previous refugee movements and created a great deal of anxiety on the part of the voluntary agencies. In spite of the effort to generate additional resettlement vehicles, only Washington, Maine, Iowa and Oklahoma agreed to become State resettlement agencies. Iowa is the only State that continues to play this role. Jackson County, Missouri and the City of Indianapolis also received grants for resettling refugees, as did the Chinese Consolidated Benevolent Associations (CCBA) in California and New York City. The problems associated with the CCBA, as well as the mixed results of the State and local sponsorship efforts are discussed in the analysis section of this chapter.

3. Center Activities

Life at the reception centers consisted of a number of activities designed to ease the refugees' eventual transition into the new society. While awaiting placement interviews with the voluntary agencies, refugees could participate in English language instruction, recreation programs, orientation sessions and in their own cultural events. Daily camp newspapers in Vietnamese and Cambodian, dictionaries, and a wide variety of specially printed orientation material were available. Parades, movies, and visiting celebrities helped to create an atmosphere of welcome and to diminish the incidence of "camp syndrome," despite an average stay of 100 days in the reception centers.

Media coverage of life in the centers was extensive and helped focus the nation's attention on the need for sponsors and new homes for the refugees. By early autumn public opinion seemed more supportive, and the voluntary agencies had more sponsors than refugees. The last refugee was processed out of Fort Chaffee on December 20, 1975 and on that day Chaffee, the only center still operating, was closed.

C. Resettlement--Federally Supported Programs

From the outset, the Federal Government established a number of operating principals to guide resettlement activities. These principals were:

- Every attempt should be made to have the voluntary agencies equalize the distribution of refugees throughout the country so that no State or local jurisdiction would receive an inordinate share of refugees.
- For the duration of the two-year program, States should not suffer any fiscal impact. Thus 100% of the costs for cash assistance, medical care and social services would be funded by the Federal Government.
- The program should continue only for two years and not develop into the protracted Federal effort which characterized the Cuban refugee program.
- The voluntary agencies should be responsible for ensuring that refugees were not placed on welfare, except in particular hardship cases.
- The incremental educational costs to school systems should be covered by Federal funds for the first year.
- Special English language and social service programs should be available to refugees to assist them in achieving economic self-sufficiency.
- To the extent possible, refugees in need should be served by the mainstream human service programs, rather than creating new institutional service mechanisms.

Although the authorizing legislation expired on September 30, 1977, the continuing admission of Indochinese, as well as the clustering of refugees in California, Louisiana, and Texas, precipitated the extension of the Indochina Migration and Refugee Assistance Act of 1975. The extension (PL 95-145) authorized a continuation of 100% reimbursement for cash assistance, medical assistance, social services and State-local administrative costs during FY '78, phasing down to 25% in 1981.[12] Special Project funding was also authorized to assist refugees in gaining skills and language training. In September 1978 Congress passed another bill which abolished the phase down and extended the 100% reimbursement only until September 30, 1979. Congress mandated that the Administration develop comprehensive national refugee legislation which could be enacted prior to the 1979 deadline. In spite of the various legislative amendments, little variation existed in the range of services provided to Indochinese refugees since 1975. Below is a review of each of the major service components.

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[12] See Program Instruction, *Action Transmittal* SSA-AT-77-11 (OFA), December 2, 1977.

1. Cash Assistance and Medicaid

One of the main concerns expressed by the Congress in 1975 was that the refugees not become a burden on State or local resources. Accordingly, full Federal funding for cash and medical assistance programs was made available to the Indochinese refugees. This assistance is provided by HEW's Indochina Refugee Assistance Program (IRAP) through the State human resource agencies in a system described in Part I, Chapter 4.

Some State-by-State expenditures data for these IRAP-funded programs are now available. Given the uneven distribution of Indochinese refugees around the nation, it is more useful to compare *per capita* expenditures for these programs, than gross dollar figures, State-by-State.[13]

Table 12 shows for 11 selected States the wide disparities in per capita expenditures in the two categories that account for about three quarters of the IRAP monies, cash and medical assistance.

Thus, while the average nationwide per refugee expenditure for medical assistance was $155, the expenditures for the selected States ranged from $13 per capita in Mississippi to $479 in Hawaii. Other southern States (Texas and Louisiana, for example) tended to be low in this category, while other western States (Arizona, California, and Washington) tended to be high.

Are the refugees in Mississippi that much healthier than the ones on the West Coast? Is the variable the cost of health care in the two regions? Or do the differences relate to the approach to publicly-funded medical care by the State agencies? It should be repeated that both the medical and cash assistance programs here described are totally Federally-funded, and that the State governments involved are not spending *State* funds.

Similarly, there are wide variations in cash assistance costs, again worked out on a per capita basis for each State. (The total State expenditure on cash assistance is divided by the refugee population of the State. These are, in short

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[13] The adjusted January 1, 1978 distribution of the refugees, from HEW, *Report to the Congress*, December 31, 1978, *op.cit.*, Table 2 was used for this purpose.

TABLE 12

Per Capita Medical and Cash Assistance Payments, Indochinese Refugee Assistance Program, FY 1977, by Selected States

(states ranked by per capita medical assistance payments)

STATE	MEDICAL ASSISTANCE	CASH ASSISTANCE
Hawaii	$479	$927
Arizona	309	35
Washington	241	512
California	235	489
Oregon	231	567
Iowa	226	298
Illinois	180	228
Texas	73	81
Pennsylvania	41	221
Louisiana	23	71
Mississippi	13	21
NATIONAL AVERAGE	155	305

Source: Calculated from data provided by the Indochinese Refugee Assistance Program, Office of Family Assistance, Social Security Administration, Department of Health, Education, and Welfare.

Note: The national averages noted above are for all 50 states, not for the selected states listed above.

per capita figures, not per case figures.) Table 12 shows that Mississippi, again, is low, with a $21 per capita cash assistance expenditure (for the year) as are several other southern States, while the totals were the highest in Hawaii ($927) and Oregon ($567).

Differences among the States on per capita cash assistance expenditures may relate either to differential incidences of cases or to differential amounts of money spent on each case, or both. With this in mind, the amount of money spent on IRAP cash assistance in FY '77 was divided by the number of cash assistance cases the States had on August 1, 1977,[14] for a few selected States. Roughly comparable AFDC data (dealing with individual recipients rather than cases) was also secured. The annual benefit levels were as follows:[15]

STATES	PER CASE IRAP CASH ASSISTANCE, 1977	PER INDIVIDUAL RECIPIENT, AFDC, 1976
California	$3,010	$1,020
Pennsylvania	2,814	1,020
Texas	1,528	384
Mississippi	503	168

Clearly, the State-by-State patterns are similar; if more money is spent on IRAP cash assistance, more is spent on AFDC, and vice versa. Clearly, also, California was expending six times as much per IRAP case as Mississippi, but the per capita cost differential shown in Table 11 was 23 times as high for California as Mississippi. The States with the higher per capita IRAP cash assistance payments, thus not only pay more per case, but they must also have a disproportionate number of the cases. The distribution of IRAP cash assistance cases can be compared to the distribution of the Indochinese refugee population. In such a comparison, the ratio of 1.00 would indicate the the State had the same proportion of the nation's refugees receiving cash assistance as it had of the nation's refugee population. California, with a ratio of 1.85, had a disproportionately large number of cash assistance cases (almost twice the ratio of the nation as a whole), while Texas, with a ratio of .37, had a disproportionately low case load. (The use of a ratio here, as the use of per capita expenditures earlier, eliminates the variable of refugee population size.) Other jurisdictions with high ratios include Guam (2.50), Hawaii (1.88), Massachusetts (which ranked similarly in the Cuban program) (1.67), and Oregon (1.58). Those with a much lower incidence of cash assistance cases than population include Wyoming (.10), Arizona (.14), Idaho and Montana, both (.15), and South Carolina (.20).[16]

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[14] Ibid., p. Table 4.

[15] Sources: IRAP data calculated from Ibid., Table 4 and unpublished IRAP data; AFDC data from Statistical Abstract of the U.S., 1978, Table 567.

Looking at the cash assistance program nationwide, and over time, one finds that the percentage of the refugee population on cash assistance has risen from 11.9% shortly after arrival in 1975 to a momentary peak of 36.0% in May 1977, dropping slightly to 35.1% in August, 1978, and then increasing again to 40.4% in May, 1979.[17] A persisting pattern of one-third of the population on cash assistance is troublesome, particularly when we note that close to 4,000 SSI cases are not included in these data. Granted that some of those on cash assistance are newly arrived refugees, that many use cash assistance to supplement earnings, and that many of them are accepting cash assistance while engaged in training to make them more successful in the labor market, and granted the very real difficulties that they all face in a new nation; nevertheless, it is a legitimate subject for concern.

2. Supportive Services

A series of supportive services for refugees is purchased with 100% Federal (IRAP) funds through two different channels. In general, the objectives of these programs is to reduce refugee dependency through counseling, English language training, skills training and other supportive services. Social services are provided in accordance with the State's approved Title XX plan, and thus these decisions are made by the State Human Services Agencies. About $13.8 million was spent in this manner in FY '78, and a larger expenditure is expected in FY '79.

The other group of services is called Special Projects, and these are funded directly by HEW, generally through regional offices. In FY '79, $7 million was spent for employment related projects, and another $2.8 million for mental health projects.

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[16] This analysis was prepared to generate discussion at TransCentury's Seminar on Innovations in Refugee Resettlement; for more on this, see David S. North, "Federal Expenditures on Indochinese Refugees: An Overview and Some Questions," (Washington: New TransCentury Foundation, May 1979). See Appendix 5 for state-by-state social service and cash assistance expenditures for 1978.

[17] HEW, Report to the Congress, December 31, 1978, Table 7, and unpublished data.

Where there is an effective training program there should be a corresponding decrease in cash assistance caseloads and an increase in refugee employment. Montgomery County, Maryland, is a good example of such a situation. Maryland ranks 18th nationally in Indochinese refugee population with 2,856 refugee residents, more than 2,000 of whom live in Montgomery County. Social service and Special Project funding has been utilized by the County for about two and one half years to provide refugees with a comprehensive program of career counseling, English training, vocational training, job placement, job upgrading and supportive social services. In a letter to the Senate Judiciary Committee from the Director of the Indochinese Refugee Program (a program of the Montgomery County Department of Social Services) dated April 18, 1979, the relationship between employment training programs and decreasing public assistance is discussed.

> "During the year ending August 1, 1978, the [Indochinese] Public Assistance case-load statewide (of whom the majority live in this County) dropped more than 60%, while the refugee population increased approximately 6%. Only 18% of the Indochinese refugee population are receiving cash assistance. This must be largely credited to our intensive social and employment-related services."

3. Education

In order to minimize the fiscal impact of refugees on local units of government, transitional financial assistance to education agencies was made available to help with the incremental costs of educating refugee children. In the 1975-1976 school year HEW granted $300 to local education agencies for each refugee child entering a school district. A school district which enrolled more than 100 refugee children, or 1% of the total school district's enrollment (whichever was less), received $600 per child for each child above the 100 or 1% level. In May 1977, funds were appropriated under the Indochina Refugee Children Assistance Act of 1976 to provide assistance to State departments of education in continuing education services to Indochinese refugee children. Funds were also appropriated for discretionary project grants for English and vocational training for adult refugees. Through FY '78 approximately $29 million had been spent for education of Indochinese children and adults in addition to the transitional program of $14.9 million.[18] In

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[18] *Ibid.*, p. 88.

October 1978, the childrens program was extended for three years, and the adult program was extended for five years. However, no funds have been requested by the Administration nor appropriated by Congress for either program authority.

Another effort with regard to Indochina refugee education activities is a continuing contract between IRAP and the Center for Applied Linguistics. The Center operates a National Indochinese Clearinghouse to assist with language and educational problems of the Indochinese refugees. The Clearinghouse has provided nationwide technical assistance and information on ESL, bilingual education, Vietnamese language and culture, and has provided assistance in such problem areas as cross-cultural differences, techniques for language teaching, and the differences between Asian and American educational systems.[19]

The Indochinese community has made only the slightest impact on HEW's on-going, $94,000,000 a year bilingual education program, which is designed to help ease non-English speaking children into mainstream classrooms. Of the 567 program awards made this year most are made to school districts which offer services in only one language, usually Spanish; in a minority of cases instruction is offered in more than one language. Only 18 grant awards were made to school districts which offered an Indochinese language (Vietnamese, Khmer, Lao), but in most of these cases an Indochinese language was one of four, or more languages offered. Of 62 different languages offered in these 18 districts, 20 of the offerings are Indochinese, and the balance, 42, are other languages. This is a ratio of about one to two, so it can be estimated that the division of the money allocated to these 18 districts would be roughly on that order. With this in mind, it is estimated that of the $3,457,000 granted the 18 districts, only about $1,000,000 or so was to be spent on Indochinese children. Interestingly, no bilingual programs exist for those children in such major Indochinese communities as Los Angeles, New York City, Chicago, or anywhere in the State of Texas.[20]

4. Mental Health

An increase in mental health problems has been observed in the Indochinese refugee population who resettled here in 1975.

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[19] National Indochinese Clearinghouse, Indochinese Refugee Alert Bulletin #1. (Center for Applied Linguistics, 1611 North Kent Street, Arlington, Virginia 22209), undated, p. 1.

[20] Dissemination and Assessment Center for Bilingual Education, Guide to Title VII ESA Bilingual Bicultural Programs, performed under contract to the Office of Education, HEW, Washington, February 1979.

There are many causes for mental stress, as cited below, many of which show delayed symptoms after a refugee's initial survival needs have been met.

Recognizing these problems, HEW provided $2.8 million under the Special Projects grant program in FY '79 to fund mental health programs across the country. The emphasis of these programs has been to train Indochinese mental health paraprofessionals, to sensitize American mental health professionals to the specific needs of the Indochinese refugees, and to link refugee communities to existing public and private mental health systems. The special grants for mental health programs are expected to continue in FY '80 if there is a new refugee program authorization and appropriation.

Norman V. Lourie, the Executive Deputy Secretary of the Pennsylvania Department of Public Welfare, suggests that the sudden uprooting of populations is

> "...accompanied by extreme and often lingering physical, psychosomatic, and social stress....The Indochinese refugees who have arrived in the United States have been known to face a similarly broad range of both acute and chronic problems of identification and adjustment. Whether forced or voluntary, the precipitous departure from home and homeland has evoked the anxiety and insecurity inherent in the new and unknown. These responses are often reinforced by other evidence: the sense of isolation and abandonment felt by many Indochinese is exacerbated in the face of the unpredictable avalanche of social, vocational and economic problems. Apathy and depression, disappointment and anger, these and other psychological aspects of stress can be experienced along with a range of psychosomatic complaints."[21]

These delayed stress reactions and other "psychosomatic complaints" have become increasingly evident in refugees who have been in the U.S. for more than two years. The challenge to professionals in the field will be in developing appropriate treatment based on Indochinese perspectives of mental health rather than established Western traditions of counseling and therapy.

5. Unaccompanied Minors

As with the Hungarian and Cuban refugees, the Indochinese included a number of unaccompanied minors. From April 1975 to December 1978 approximately 800 unaccompanied children were admitted to the U.S. About 500 unaccompanied children have been cleared for entry into the United States so far in 1979 and estimates range as high as 1,000 for this calendar year.[22]

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[21] Norman V. Lourie, "Vietnamese Refugees: Mental Health Issues," paper delivered to the World Congress on Mental Health, Vancouver, Canada (August 21-26, 1977), and to the World Congress of Psychiatry, Honolulu, Hawaii (August 28-September 3, 1977). p. 1.

These unaccompanied minors resurrected the earlier problems of custody, guardianship, maintenance and locus of responsibility for providing services for these children. In the confusion of 1975, some minors simply left the reception centers with unrelated refugees or with American sponsors before issues of legal custody were resolved. Despite an early decision of the Federal Government to provide 100% reimbursement for the care of these children, they were caught between U.S. immigration laws and State child welfare laws. Thus, the issue of legal responsibility for the children remained clouded. This problem was so controversial that during the summer of 1978 the voluntary resettlement agencies refused to bring any more unaccompanied children into the country until the Federal Government determined who would be responsible for them. This problem was not adequately addressed until February 1979 when HEW issued an action transmittal outlining the determination of legal custody and funding arrangements for unaccompanied minors. This policy states that:

> "Voluntary resettlement agencies under contract with the State Department will facilitate the admission and placement of these children. Before a voluntary resettlement agency places an unaccompanied child in a community, (it) shall consult with appropriate state or local public child welfare authorities. There shall be arrangements made whereby the state or local public agency establishes legal responsibility for the care and maintenance of the unaccompanied minor. The purpose of establishing legal responsibility is to insure that the unaccompanied children receive the full range of assistance, care, and services to which any child in a state is entitled, and to designate a legal authority to act in place of the child's unavailable parent(s). This action should follow the process normally required by state law to establish protective legal responsibility for a minor child."[23]

The transmittal also clarifies that 100% of the cost for child welfare services will be reimbursed by IRAP. Services include foster care maintenance, medical assistance, social services, and administrative costs.

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[22] American Public Welfare Association, "Teenage Escapees from Indochina Face Future Without Families," Washington Report. 14 (April 1979): 1. None of the above figures include approximately 2,000 children who were flown to the U.S. in April, 1975, in Operation Babylift. Most of these children were placed with adoptive American families.

[23] See Program Instruction, Action Transmittal SSA-AT-79-04 (OFA). "Indochinese Refugee Unaccompanied Minors: Child Welfare Services for Unaccompanied Indochinese Refugee Children," February 6, 1979.

Foster care appears to be the preferred method of assisting these children; however, other arrangements are being utilized depending on the situation. There have been a few cases of placing foster children in the care of Indochinese families, especially for children who feel particularly isolated or require more cultural support than they could obtain in an American foster home. Additional experience is needed to determine the effectiveness of this foster care arrangement. Placement in small group homes seems to be appropriate for young people who will soon be 18. Also, for older unaccompanied minors, an independent living arrangement in which they are assisted by a voluntary agency or members of an Indochinese community would appear to be appropriate.[24]

6. Domestic Program Expenditures: Summary

Between the fall of the South Vietnam Government and February 27, 1979, according to the General Accounting Office,[25] the U.S. appropriated a little over one billion dollars to aid the refugees, who numbered 170,698 by November 1, 1978.

Almost exactly half of this money, 505.4 million dollars, was allocated to the Department of Health, Education and Welfare, and 513.1 million dollars was allocated to the Department of State. The funds to pay the voluntary agencies for their resettlement activities are drawn from the State Department allocations, as were those used to transport the refugees and to run the centers in the Western Pacific and in the U.S.

Clearly, most of the money spent on refugees is not channeled through the resettlement agencies, who have been allocated $300-500 per refugee to help them settle in the States. A substantially larger sum, about $2,950 per capita, has been appropriated for the HEW programs for refugees. Thus, approximately $3,250 to $3,450 per capita had been spent on domestic aspects of the Indochinese Refugee Program by November 1, 1978.

D. Resettlement-Private Sector Activities

Despite the central role of the Federal establishment in this refugee program, the private sector, once again, had an essential function--the placement of the Indochinese refugees in

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[24] Ingrid Walter, Resettlement in the United States of Unattached and Unaccompanied Indochinese Refugee Minors 1975-1978 (New York: Lutheran Immigration and Refugee Service, January 1979). pp. 16-17; and American Public Welfare Association, "Teenage Escapees," op.cit., pp. 6-7.

[25] Comptroller General, Response to the Indochinese Exodus, op.cit., p. 100.

American communities. This section will examine the role of the resettlement agencies, the efforts of the private sector to coordinate and integrate services at the community level, and other private sector resettlement activities.

1. The Voluntary Resettlement Agencies

The basic resettlement strategies of the resettlement agencies were described earlier. The emphasis of this section will be on the program and financial relationships of the voluntary agencies and the Federal Government at the national level, and the quality of the traditional and nontraditional resettlement methods used in the Indochina program.

The formal relationship between the voluntary resettlement agencies and the Federal Government is contractual. Each of the resettlement agencies which were and are active in the Indochina program are under contract to the Department of State (see Table 5). The contracts are broadly defined, highly flexible and are negotiated with and signed by the international offices of the voluntary agencies which are based in Geneva. (The national resettlement agencies whose contracts are signed in the U.S. are the American Council for Nationalities Service, Lutheran Immigration and Refugee Service and World Relief Services.)

To assist these agencies, the Federal Government provided a per capita resettlement grant which has fluctuated between $300 and $500. When the Indochina program began in 1975, it was assumed that the resettlement agencies would be able to provide the traditional level of services with substantial amounts of in-kind, private sector assistance. In addition, the availability of a variety of sophisticated Federally-funded services bolstered this optimism. Thus, the prevailing view of Federal officials in 1975 was that the per capita resettlement grant of $500 would cover the entire cost of resettlement, and substantial pressure was placed on the resettlement agencies to ensure that refugees did not go on welfare and to handle cases in which a refugee placement did not work and a second placement had to be arranged.

The $500 grant continued from 1975 to 1977, and with contributions from the resettlement agencies and the private sector, this level of funding seemed to be sufficient. When the grant was at the $300 level in 1977 and the $350 level in 1978, funding constraints began to develop and the quality of resettlement began to deteriorate (defined by the resettlement agencies as increased use of public assistance programs). It is clear that inflation, coupled with the per capita resettlement grant decrease, has required the resettlement agencies to bear more of a financial burden. The agencies contend that the per capita resettlement cost for Indochinese refugees for the first nine months of 1977 was $877, only $300 of which was provided by the Federal Government. They argue:

> "...each agency uses the resettlement grant to help meet the initial costs of securing sponsorship and for reception and placement expenses. After having covered the costs of food, clothing, rent, rent-security, furniture, utilities, health care and pocket money, little if anything remains to cover the costs of professional staff to find jobs and assist with integration and counselling services, all of which are essential elements of the resettlement process."[26]

Many of the local affiliates of the voluntary resettlement agencies are indeed understaffed and overworked, and this situation does adversely affect the quality of resettlement. Moreover, the increasing numbers of Indochinese refugees who will be coming to the U.S., and the changing nature of the refugee population, will probably tend to aggravate this situation.

It is clear that Federal financial assistance to the voluntary resettlement agencies should reflect prevailing economic conditions and the numbers of refugees they are requested to resettle. What is not clear, however, is the nature of services the Federal Government should expect for its per capita investment, or the extent to which HEW Special Project funds for English language employment services and mental health projects, duplicate services which should be provided by the agencies. The resettlement agencies have advocated vigorously, and effectively, that because they are the principal agencies in contact with refugees and have a longstanding ability to deal with the complex issues of resettlement, that the majority of Special Project funds should be given to them. Congress directed that in FY '79 these funds be administered principally by the voluntary resettlement agencies. HEW has interpreted this direction to mean that private non-profit agencies (including the resettlement agencies) should receive 51 percent of the Special Project funds.[27] Moreover, the purchase of service contracts which are funded through the State human services agencies have also helped the voluntary agencies.

2. Non-traditional Resettlement Activities

Traditional resettlement activities have involved the voluntary resettlement agencies on the national level and their various networks of non-profit entities and sponsors on the local level. In the course of the Indochinese resettlement program efforts were made to seek additional approaches, to alleviate the burden on traditional structures. In one such initiative already discussed, State and substate governments were recruited to play, essentially, the role of the national voluntary agencies.

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[26] Correspondence from the American Council of Voluntary Agencies to the Secretary of State, January 19, 1979, p. 2.

[27] "Notice of Grant Funds Availability for English Language and Employment Services Projects," The Federal Register, April 26, 1979.

Other non-traditional approaches have included the use of 1)commercial, for-profit organizations in lieu of the traditional, charitable organizations and 2)a variation of the traditional approach in which unaffiliated community-based organizations agree to work locally on behalf of a national voluntary agency. These alternative arrangements have ranged in effectiveness from the abysmal to the highly successful.

Corporate resettlement schemes have generally fallen into the former category, although a few of them appear to have worked reasonably well. These schemes have run the gamut from chicken plucking to mushroom farming, from lumbering schemes to the creation of questionable businesses designed solely to employ refugees. The major difficulty with corporate resettlement packages was that they usually did not have available the other important components of an effective resettlement, such as English training, skills upgrading, and opportunities for upward mobility. Employment is obviously a critical component of effective resettlement, but it is only one of many components.

One of the largest and reasonably successful corporate resettlements, that of the Spence Brothers Fish Company of Niceville, Florida, provided some of these other services (particularly English training and housing) in addition to employment. At the other end of the spectrum was the Golden State Gardening Company in Garden Grove, California, which reportedly secured $100,000 from the Tolstoy Foundation to sponsor 225 refugees, including 81 working for the firm. The operation collapsed, the California State Labor Department held hearings on charges that $7,000 in wages had not been paid to the company's workers, and local grand jury and HEW investigations ensued.[28]

Fortunately, most of the resettlement agencies appear to have lost interest in corporate resettlements--which were often exploitive.

The coordinated community resettlement projects appear to provide a better potential for good refugee integration. One of the best of the early projects was the Freedom Flight Task Force in Grand Rapids, Michigan. The Task Force included the World Relief Agency of the Christian Reformed Church, the Lutheran Immigration and Refugee Service, the Human Relations Commission of the Catholic Diocese, the Grand Rapids Public School System, the Departments of Health and of Social Services of Kent County, Michigan, and representatives of local industry. As of March 1977, sponsorship commitments developed by the Freedom Flight Task Force had taken care of 145 families, or about 700 refugees. Because of the intense community involvement, and because this program included the necessary service components, the welfare rate of refugees resettled in Grand Rapids was only 10% (compared to a rate of 38% for all other Indochinese refugees in Michigan) as of March 1977.[29] The Task Force is still resettling Indochinese refugees in Grand Rapids; the current refugee population is 1,200-1,300. Despite an increase in the refugee population of approximately one-third, the percentage of Grand Rapids refugees on welfare has dropped to 8% in July 1979.[30]

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[28] Kathy Rebello, "Martin to Face Hearing on Refugee Wages," San Bernadino (Ca.) Sun-Telegram, February 9, 1976.

Earlier this year the American Council for Nationalities Service entered into an agreement with the Indochinese Resettlement and Cultural Center of San Jose, California, to provide direct resettlement services. This center is sponsored by the Social Planning Council of Santa Clara County and is a multi-service agency that has a program of English and vocational training, mental health, counseling and social services for the refugees. Similarly, the American Fund for Czechoslovak Refugees and Church World Service has an agreement with a special program at the Houston YMCA for resettlement services in the Houston area. These innovative resettlement methods appear to be effective in assisting refugees, since the local organizations are able to react to and design resettlement opportunities around the specific needs and desires of their communities.

In general, the trend in resettlement has been away from the use of individual or family sponsors, and toward greater reliance on local agencies and congregate sponsors, particularly through churches, which continue to provide a majority of the resettlement opportunities. The emphasis is on sponsors that have the institutional capacities and a community base to ensure the most effective resettlement opportunities.

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[29] Thomas J. Barnes, Of All the 36 Alternatives: Indochinese Resettlement in America (Department of State: Senior Seminar in Foreign Policy, 19th Session, April 1977), pp. 15-16.

[30] Telephone conversation with Rev. Howard Schipper, Chairman of the Freedom Flight Task Force, Grand Rapids, Michigan. July 31, 1979.

3. Local Coordination

With federal and some private funds flowing into communities through a variety of channels, and with many voluntary agencies active, through their networks, in the same communities, there has sometimes been conflict and confusion as various organizations seek to help the refugees. Given the lack of a Federally-imposed coordinating structure at the local level, a number of communities around the nation have sought to build their own, grass-roots coordination machinery.

There is, for example, the Puget Sound Resettlement Forum, a coalition of refugee-serving agencies in the Seattle-Takoma area. At the time of the study's site visit, the Forum was in the process of organizing, and representation appeared to be mostly from private groups, although the meeting was chaired by a representative of HEW Region X. This Forum appears to have the potential to develop into a useful coordinating mechanism for refugee programs in the Seattle-Takoma area.

The most effective Forum encountered was the Indochinese Refugee Forum of Orange County, located in Santa Ana, California. Orange County is probably the most heavily impacted refugee county in the U.S., with current County estimates at about 23,000. Membership in this Forum consists of representatives of several departments of the County Human Services Agency, local affiliates of the voluntary resettlement agencies, refugee self-help groups, the local community college and other private service-providers. Two of the four elected officers of the Forum are refugees.

Perhaps the most effective endeavor of the Forum has been the joint development of a county-wide coordinated refugee manpower and social services proposal for continued funding of both public and private refugee projects in Orange County. The proposal was developed under the auspices of the Forum and all the program components are related to each other. The participating agencies are each responsible for developing and implementing their program components, but the unified proposal seeks to eliminate duplication of services and integrate service delivery in the county. (It could be assumed that similar county-wide coordinated proposals for highly impacted areas would make funding decisions easier for HEW.) Orange County appears to be somewhat more advanced in its coordinating efforts than most other local units of government. This model certainly appears to warrant further study and replication elsewhere.

E. Geographical Distribution of the Indochinese

Federal policy in 1975 was to disperse the Indochinese refugees around the country to minimize the economic impact on resettlement communities, and to avoid the political complications which might arise were there to be a repetition of the level of geographic concentration experienced in the Cuban resettlement. Further, the decision to make use of the voluntary resettlement agencies implied a decision to use their nationwide networks of local organization and religious groups, making the dispersion of the refugees inevitable. A more detailed description of the initial distribution of the Indochinese refugees and an analysis of the secondary migration which ensued appears in Appendix 2.

Given the size of this secondary migration, much of it South and West and much of it towards existing communities of Indochinese, it appears that a general dispersal policy may have been ill-advised (albeit understandable) and that consideration should have been given to the development of clustered resettlement opportunities.

F. Analysis

1. Goals

The goals of the Indochinese refugee program were shaped more than those of any other U.S. refugee program by wartime conditions, and an overarching concern for the survival of our former allies. A full-scale war was raging in Saigon and its suburbs in the spring of 1975 as many of the refugees left; U.S. policymakers, while aware of a possibility of a "blood bath" following the expected fall of the Governments of South Vietnam and Cambodia seemed reluctant to set in motion a planned evacuation of refugees for fear of sealing the doom of those governments. As a result of these factors, the first goal of the refugee program was to get as many of our allies out of Vietnam as quickly as possible.

Subsequent short-term goals of the program were to move the refugees through the Western Pacific transit sites to Stateside centers rapidly, then to process and orient the refugees in the four Stateside locations thoroughly, but expeditiously, and then to close camps by December 31, 1975.

Another goal was to disperse the refugees around the nation for reasons cited earlier, and the most fundamental goal of all was to resettle the refugees in this society as thoughtfully, as compassionately, and as inexpensively as possible.

2. Resources

Given the obvious urgency of the situation, if not the universal public support enjoyed by the Hungarian program, the Federal Government moved swiftly (much more quickly than it did for the Cubans) to make ships, planes, military bases and funds available to take care of the refugees. The Federal Government has already made more money available per capita for domestic aspects of this refugee movement than any other, and shortly will allocate more to it, cumulatively, than to even the long, drawn-out Cuban program. Private sector resources were tapped as well, but not to the extent that they were for either the Hungarian or the Soviet program. The Federal Government was destined to pick up most of the costs.

In terms of utilization of these Federal funds, an analysis of the expenditures for FY '78, a fairly typical year,[31] shows that more than 80% of the funds channeled through the Social Security Administration were spent on maintenance (cash and medical assistance and State-level administration) while less than 20% was invested in human resources development (vocational and language training). Meanwhile, identifiable Office of Education expenditures for this population have virtually ceased, except for token amounts within the bilingual education program.

Another characteristic of the Federal funding has been a perhaps not atypical lack of predictability. Thus Congress authorized funds to assist in the education of Indochinese children but did not appropriate them in recent years; there was a five-month interruption in HEW-IRAP funding in the winter of 1977-78; Congress decided, in late FY '78, to drop its earlier plans for a three-year phase down of the program, and authorized its extension only through the end of FY '79. Similarly, in the late spring and summer of 1979 reception and placement grant funds from the State Department dried up as increasing numbers of refugees came to the U.S.

3. Services

A few of the many comments that can be made about the provision of services to refugees from the Indochinese program would include the following:

- Orientation. While there was time and the opportunity within the Stateside reception centers to provide meaningful orientation services to the refugees, orientation for more recent arrivals has ranged from non-existent to barely adequate. The creation of either holding areas in the Pacific, or some kind of Stateside facilities for newly-arriving refugees would make it possible to provide the refugees with more adequate orientation.

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[31] See Part I, Chapter 4.

- Cash assistance. Federal eligibility criteria for cash assistance for Indochinese refugees are more generous for this group of refugees than for any other, perhaps too generous, but in operation, the size and incidence of such benefits varies sharply state-by-state.

- Education for children. Unlike the Cuban program, in which it can be argued that specialized Federal assistance continued for too long, in the Indochinese program the assistance was cut off quite abruptly.

- Linguistic and vocational training for adults. While some IRAP funds have been allocated for these purposes, a strong case can be made for substantial additional investments along these lines. Unfortunately, there has been no specialized outreach from the Department of Labor on a national basis to the workers and potential workers among these refugees.

- Health. The Indochinese refugees probably have more health problems than either the Hungarians or the Cubans did, often having spent months or years in Southeast Asian camps, and often suffering from malnutrition and parasitic diseases (conditions which adversely affect the individuals concerned, but which do not constitute major public health problems). A more intensive and assertive health program for arriving refugees probably is needed. Further, the principal technique used by HEW to fund services is to enroll individual refugees in Medicaid which thus links them with the welfare system.

- Mental health. Some efforts have been made to provide mental health services to the refugees. Service-providers have discovered that problems in this area are slow to emerge, and that specialized services may be needed for several years after arrival.

4. Institutional Framework

Three groups of issues merit attention: first, the internal organization of the public sector (primarily the Federal Government); secondly, the relationship between the public and the private sector (primarily between the U.S. Government, on the one hand, and the voluntary agencies, on the other); and thirdly, the role of the State and local governments in the resettlement efforts.

On the first point, during the Indochinese program the U.S. Government has organized itself differently in each of three phases. Initially, there was the IATF which had centralized authority over all evacuation, reception and resettlement activities. During the second period, from January 1, 1976 through the creation of the Refugee Coordinator's Office in the State Department in the spring of 1979, HEW managed most domestic efforts and the State Department controlled off-shore activities and the contracts with the voluntary agencies, for both their off-shore and domestic programs. It is not yet clear how the lines of authority will emerge in the third, and current period.

At the moment there is not only a lack of government-wide coordination of domestic activities, but also there are institutional weaknesses within the HEW framework. For example, there appears to be relatively little liaison between potentially related programs in IRAP and OE. Within IRAP, similar programs are funded through two channels, social services through the state agencies, and Special Projects primarily through the regional offices. The Office of Human Development Services in HEW has primary responsibility for Title XX funding but has had little involvement in the IRAP Title XX effort. Because Medicaid and cash assistance are extended through state human service agencies, and because of the varying practices of these agencies, a refugee with a problem in one state may be treated quite differently from a refugee with the identical problem in another state.

It appears that there is relatively little Federal monitoring of any of these Federally-funded activities, whether it is the voluntary agency's use of State Department funds, or of State, local and private agencies' use of various HEW-channeled funds.

Further, Federal and sub-Federal Government personnel practices are such that it is needlessly difficult for public refugee-serving agencies to employ refugees to serve refugees, or to provide non-refugee staff with the cultural sensitivity training that is so necessary in these programs.

As for the relationship between the Federal Government and the voluntary agencies, discussion of the remarkable ability of these agencies to secure receptive sponsorships must be balanced with some appraisal of the weaknesses of the network. Each participating agency is accepted as an equal, in spite of the widely differing capabilities. The smallest agencies, the American Fund for Czechoslovak Refugees and Tolstoy, resettle a small number of refugees, but even these refugees often have no access to local voluntary support services because of the general absence of local affiliates. In those cases where qualified, non-profit local agencies have entered into agreements to serve, in effect, as local affiliates, the results have generally been excellent.

In spite of the importance of language training, only one national agency (the Lutheran Immigration and Refugee Service) retains an ESL specialist. In addition, the extent of professional orientation to cross-cultural issues varies extensively, although almost every agency has hired refugees who provide some sensitivity to these issues.

Since the resettlement grants provide broad discretion to the recipient agency, the mix of services runs the gamut from little to extensive. Even the quality of resettlement within an agency varies considerably from location to location, depending on the initiative and capability of the local affiliate leadership.

The lack of quality control and monitoring, as well as the absence of any minimum performance standards, have perpetuated an inequitable system in which two refugees sponsored by different agencies in the same location can receive a totally different resettlement package.

The agencies also have differing policies on how much of the grant will be retained by Headquarters for administrative purposes and emergency aid, and how much of the funds, if any, are actually given to the refugee or his sponsor. The differing patterns of distribution have created some distrust among local affiliates toward their nationals and by refugees who do not understand why some agencies provide more funds than others. (In 1975 the Chinese Consolidated Benevolent Associations, non-traditional resettlement agencies authorized to sponsor ethnic Chinese in 1975, passed through the entire $500 but provided no other resettlement services. This was clearly unacceptable, and in violation of the terms of the contract.) This study does not suggest a level at which funds should be passed through, but it does conclude that there should be a rational system which results in equitable treatment for all refugees regardless of their sponsoring agency. The diversity of resettlement agencies, in many instances, can be viewed as a strength because it is flexible and innovative and taps a broad constituency of support. Within this framework, however, it is arguable that some consistency is necessary.

In an era when Federal support for those agencies may reach $84,000,000 in FY '80, the agencies should no longer have full discretion to provide whatever assistance they wish. On the other hand, it is important for the Federal Government through its contractual mechanism, to delineate those services which it expects the agencies to provide and to not hold them accountable for services for which the Federal Government does not reimburse them. Recommendations for improving the performance of agencies under contract to the Federal Government are outlined in Part III of this report.

There is some ambivalence regarding a related matter, whether the special project and Title XX-type social services duplicate efforts for which the voluntary agencies already were paid per capita resettlement grants. It is the conclusion of the authors that existing resettlement agencies do not have uniform capability to provide the intensive, specialized services required by this population group and that the initial grant has been inadequate to fund the extensive services. For these reasons, the Federal funding of social services has not only been helpful, but has been essential in providing needed services.

As mentioned earlier, several States and localities served as resettlement contractors in 1975. While initially it was helpful to have the political and humanitarian support from the Governors, the results were quite mixed. The State of Washington, on the one hand, utilized the 100% reimbursement policy for cash assistance as the initial vehicle for refugee aid, rather than relying on the charitable contributions and the initial resettlement grant to cover resettlement expenses. As a result, the refugees had an extremely high dependency rate. After the period of initial resettlement, the Governor abandoned his special effort, and all further assistance was provided by the State Welfare agencies.

An opposite tack was taken by the State of Iowa which--if per capita expenditures are an indication of effective resettlement--has one of the best records in the country. In 1975 the State agreed to cluster the resettlement of 1,500 Thai Dam, a group of refugees who fled from Laos. Ethnically and culturally, this group was quite distinct from the Vietnamese, which made clustering very appropriate. The State established the Iowa Refugee Service Center, as part of the Department of Job Service with resettlement grant funds. In addition to serving those refugees it directly sponsored, the Center also served refugees who were placed in the State by other voluntary agencies. The Department of Job Service coordinated the full range of support that other agencies provided, i.e., housing, orientation, English language, etc. Orientations were held for the individual sponsors so they would be aware of their responsibilities as well as cross-cultural differences.

Results: We are too close in time and have too little empirical data to offer any firm conclusions on the results of the Indochinese refugee program, but perhaps three tentative comments can be made.

First, in the 1975 resettlement effort, disinterested observers[32] were favorably impressed with IATF's performance in getting the refugees through the transit sites in the Pacific, through the reception centers in this country, and on into the resettlement process. For example, the then-chairman of the House Subcommittee on Immigration Citizenship and International law said:

> "With a sense of cooperation by those involved, the task of resettling 140,000 refugees has been almost completed. This Member cannot help but reflect upon the demonstrated intergovernmental cooperation and hopes this experience is evidence of how our country, when committed, can indeed achieve its goal."[33]

Second, in 1975 an effort was made to distribute refugees equitably around the nation--wherever sponsoring organizations and communities could be found. There was subsequently a great deal of secondary migration, often away from the cold areas and often towards other larger groupings of fellow countrymen and, perhaps, to more generous cash assistance arrangements.[34] It would probably be advisable in the future to avoid dispatching refugees to locations where there would be fewer than 100 other refugees.

Third, there is a troublesome question of dependency. There are indications that the cash assistance programs--despite the very tight administration in some states--may have caused some refugees to opt for welfare payments rather than work. There is abundant, published data suggesting, no matter how one examines them, that the age-and-sex-specific labor force participation rates of the Indochinese refugees are less than those of Americans generally.

Table 13 offers seven separate labor force participation rate calculations, for seven comparable U.S. and Indochinese

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[32] The authors cannot pretend to be disinterested in this one phase of U.S. resettlement programs, because two of them were deeply involved in the IATF.

[33] Transcript of Subcommittee hearing, December 19, 1975 (two days before the last of the camps closed; the camps, in fact, closed ten days ahead of schedule). For a discussion of recommended principles for managing large scale refugee reception programs, based on experiences during 1975, see Appendix 3.

[34] It is impossible, in the current state of the art, to sort out the extent to which each of these three factors caused migration. It is interesting that two warm jurisdictions with generous welfare policies, Guam and Hawaii, have not attracted secondary migration streams, while two warm jurisdictions with frigid welfare policies, Texas and Louisiana, have attracted such streams.

TABLE 13

Labor Force Participation Rates, Various U.S. and Indochinese Refugee Populations, 1976-1978

	LABOR FORCE PARTICIPATION RATES		
POPULATIONS	U.S.	Refugees	Difference
All Persons All Ages	45.9	38.4	-7.5
Persons 16 and Over			
Male	78.3	74.4	-3.9
Female	48.5	49.4	+0.9
Persons 16-65			
Male	85.8	77.8	-8.0
Female	55.9	53.4	-2.5
Persons 20-59			
Male	92.6	87.0	-5.6
Female	58.9	54.0	-4.9

Sources: All Persons All Ages: For U.S. workers, population of U.S. in 1977 from Statistical Abstract of the U.S., 1978, Table 2, divided by total U.S. labor force, 1977, from Employment and Training Report of the President, 1978, Table A-1; for Indochinese workers, calculated from HEW, Report to the Congress, Indochinese Refugee Assistance Program, December 31, 1978, Tables 8 and 10. Persons 16 and over: for U.S. workers from Employment and Training Report of the President, Table A-1 (1977 data); Indochinese workers (1978 data) from Report to the Congress, IRAP, op. cit., Tables 8 and 10. Persons 16-65: U.S. workers, 1977 data, calculated from Employment and Training Report, 1978, Table A-2 and Statistical Abstract, 1978, Table 29; Indochinese workers, 1978 data, calculated from Report to the Congress, IRAP, Tables 8 and 10 (i.e., telephone survey data). The latter data were adjusted to include 63 and 64 year olds; all Indochinese workers over the age of 65 are treated as if they were under 65, thus slightly overstating the refugee labor force participation rate. Persons 20-59: for U.S. workers from Employment and Training Report, 1978, Table A-2 and Statistical Abstract, 1977, Table 28; Indochinese workers, 1976 data from Social Security Bulletin, March 1979, p. 29.

populations. In six of the seven comparisons, the refugee labor force participation rates are below those of comparable U.S. populations. Indochinese male labor force participation rates range from 3.9 to 8.0 points behind those of their U.S. peers, while the female rates lag less sharply. It should be borne in mind that while there are some methodological problems with these comparisons, virtually all of them tend to overstate the Indochinese participation rates.[35]

In summary, the Indochinese refugee resettlement effort has mobilized hundreds of public and private agencies to help fulfill the needs of this population group. In spite of the diversity and creativity which such networks provide, the magnitude of Federal resources involved should carry with it more stringent accountability on the part of service-providers and greater Federal leadership in establishing program priorities.

It must be stressed, however, that the contributions from the private sector of our society have been absolutely essential in easing the adjustment of the more than 200,000 Indochinese. These contributions are unmatched by the experiences of any other Western nation, as the following chapter illustrates.

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[35] With one exception (not taking into account the higher percentage of children among the Indochinese refugees than among Americans in the all-persons data) all of the methodological biases in Table 13 inflate Indochinese labor force participation rates. In the first three comparisons, the Indochinese labor force participation data, but not that of other Americans, are based on a telephone survey, and it is probable that persons without telephones are less likely to be in the labor force than those with phones. In the last comparison the extent of the bias can be estimated more exactly, as the measure of labor force participation for the Indochinese but not for other Americans is the extent to which they made social security tax contributions. This measure produces a cumulative total of workers during a year, an individual with a few weeks of work counts as much as one with a full year's work; the measure used for other Americans is the average size of the labor force during the entire year. If one were to correct for this discrepancy, as we have not done in Table 13, one would adjust the labor force participation rates downward in the persons 20-59 comparison by five points for the Indochinese men, and by about three points for the women.

PART II

CHAPTER 5: RESETTLEMENT MODELS OF OTHER WESTERN NATIONS

Introduction

The United States is *not* the only industrialized democracy experiencing the resettlement of refugees from another culture. As in many public policy spheres, the U.S. can learn much from other nations facing roughly similar situations, as other nations can, and have, from us. The U.S. is not even the nation taking on the largest number of Indochinese refugees per capita, as Senator Kennedy pointed out in March of this year; that distinction belongs to Australia.[1]

While we can learn much from other nations, particularly those of ultimate resettlement, as opposed to nations of first asylum, not all refugee resettlement programs are of equal applicability. For differing reasons, five resettlement models, to be mentioned in passing, offer such incomparable situations that this study will not discuss them further:

- *the return of the colonial.* The back-to-the-homeland movement of former British, Dutch, Belgian, French, and, most recently, Portugese colonials, and the resulting resettlement programs, are not helpful models because the individuals generally are of the same ethnic and linguistic backgrounds as the host society, and are often citizens as well. The return of the ethnic Germans from Eastern Europe falls somewhat into the same category, although they have left other cultures (and socialist political systems) and probably have a more difficult resettlement than the colonials.[2]

- *resettlement of subsistence farmers.* Many of the refugees in Africa are rural people, moving from one agricultural site to another, often across a boundary but into an area occupied by members of the same tribal or ethnic group. Under these circumstances, if the land is available, they can reconstitute their way of life with less difficulty than some other groups of refugees.

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[1] Senate, Committee on the Judiciary. *The Refugee Act of 1979, S. 643, Hearing*, *op.cit.*, p. 38.

[2] Much of this continuing flow of post World War II refugees includes descendants of Germans who settled in Russia at the time of Catherine the Great.

- *temporary, war-time movements*. Some refugee movements are quite transient, a spillover of a civil war which continues, with some of the "refugees" as active participants. Although there were some minor exceptions during the early years of the Cuban movement, most refugees in the U.S. are here for good, the war that they fled being clearly a matter of history.
- *resettlement in socialist nations*. Resettlement programs in Eastern Europe for the Chileans, for example, have little applicability for the U.S. because the social and governmental structures of the East and West are so different--although both are welcoming refugees from the same land.
- *the Israeli experience*. Immigration is of such crucial, life-or-death significance to sparsely-populated Israel, scarred by frequent wars and outnumbered by Arab neighbors, that her treatment of refugees (and other immigrants) is a unique phenomenon. Israel lavishes, with some U.S. help, special services on immigrants, and she gives them privileges above and beyond those of her own citizens in an effort to encourage the immigrants to stay.

If these resettlement programs are not useful models, which ones are? The most relevant are programs in which there are substantial numbers of permanent refugees who are ethnically and linguistically different from the host society, which, in turn, is an industrialized democracy. Given this definition, there are, potentially, lessons to be learned from the resettlement programs designed for Indochinese and other non-European populations in Canada and Australia (on which we have the most information)[3] as well as in France, the United Kingdom and Sweden. The rest of the chapter is focused on these programs.

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[3] For example, on the Canadian experience, we have had numerous conversations with William Hauss, Director General, Settlement Branch, Employment and Immigration Canada, and access to many government publications, such as: Employment and Immigration Canada, "Canada Welcomes Hai Hong Refugees," *Panorama* 1 (January 1979):1; Canada Employment and Immigration Commission, *Refugee Provisions of the New Canadian Immigration Act Proclaimed April 10, 1978* (Ottowa, July 1978); Minister of Employment and Immigration, "Notes for an Address by Bud Cullen, Minister of Employment and Immigration Canada to St. Paul's United Church, Sarnia, Ontario, February 18, 1979;" Employment and Immigration Canada, "Immigrant Settlement and Adaptation Program; as well as Gerald E. Dirks, *Canada's Refugee Policy: Indifference of Opportunism?* (Montreal and London: McGill-Queens University Press, 1977), which deals largely with admissions issues.

(footnote continued on next page)

Since the subject of this report is not refugee admissions policies in the U.S., these will not be discussed abroad, either. Rather, the next three sections concentrate on the legal status of refugees (once admitted), on the organization of resettlement systems in other nations, and finally on the resettlement strategies of other nations.

A. Status.

As noted earlier, in the U.S. all refugees are not treated equally; and in many circumstances they are simultaneously treated worse than (the parole status) and better than (special programs) other immigrants. Other nations handle this matter differently.

Australia and Canada (and Israel) make no legal distinctions between immigrants and refugees; various assistance programs are available to all newly-arriving migrants, and all are equally eligible for citizenship. Although admissions policies for refugees and immigrants are quite different in both Canada and Australia (as they are in the U.S.), once the refugee has been accepted by the host country, he has the same legal status as any other immigrant.

On the other hand, some European countries (e.g., Denmark, Holland and Sweden) make distinctions between invited and spontaneous refugees. The former are refugees who meet the standards of the Geneva Convention and who are invited to live in the host nation; the latter appear, as it were, on the countries' doorsteps and convince the authorities that they should be admitted. The Dutch and the Danes find it logical

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On Australia, see Department of Immigration and Ethnic Affairs, "Facts About Australia's Refugee Policy," (Canberra, April 1979); Australian Population and Immigration Council, "Population Report No. 3," (Canberra, May 1979): "Immigrants or Refugees?" paper delivered by the Hon. M.J.R. MacKellar, M.P., Minister for Immigration and Ethnic Affairs, at the Australian Institute of International Affairs Seminar on 'Immigrants or Refugees,' Sydney, August 19, 1978; and Ministry of Immigration and Ethnic Affairs, The Galbally Information Kit (Canberra, April 1979).

A useful comparison of Australian and Canadian policies is contained in "Immigrants and Refugees: The Canadian and Australian Experience," a paper submitted to Congresswoman Elizabeth Holtzman, Chairwoman, Subcommittee on Immigration, Refugees, and International Law, U.S. House of Representatives, by Professor Freda Hawkins, University of Toronto, May 1979.

to extend more supportive programs to the former group of refugees than they do to the latter.[4]

B. Organization of Resettlement Systems.

Although the relative importance of the private sector in U.S. resettlement programs has dropped sharply since the time of the Hungarian movement, the role that non-governmental organizations play in American resettlement efforts, to this day, is far more important than that played by nongovermental agencies in the other nations of interest. This may well reflect a larger set of issues than that of assisting refugees.

In the five resettlement nations, we found no accounts of the voluntary agencies facilitating the selection process and working with the refugees before their arrival in the host country. With the exception of the partially government-funded British Council for Aid to Refugees, we found few nationwide refugee assistance organizations. Generally refugee assistance, at the national level, is a governmental activity, with voluntary and non-government activities occurring only at the local level, and often on a community-by-community basis.[5]

It is perfectly possible, however, for refugees resettling in other nations to receive services from a cluster of agencies despite the fact that all the agencies are public ones; in at least one nation, Canada, however, this is not the case. Different governments, in short, organize their service-delivery systems in different ways.

The Australian model, according to a government publication, is organized as follows:

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[4] Joint Working Group for Refugees From Chile in Britain, Refugees from Chile, (Joint Working Group, London: 1975) Appendix III.

[5] For a comparison of U.S. and Canadian voluntary agency activities, see Freda Hawkins, Canada and Immigration: Public Policy and Public Concern, (Montreal and London: McGill-Queens University Press, 1972) Part V.

Services Provided to Refugees in Australia and Government Agencies Providing Those Services

SERVICES	GOVERNMENT AGENCY
Transport to Australia	Department of Immigration & Ethnic Affairs
Reception	"
Adult Education	"
Language Instruction	"
Coordination of on-arrival	"
Settlement/orientation programs	"
Initial accommodation	Commonwealth Accommodation & Catering Services Ltd.[6]
Payment of social welfare and unemployment benefits	Department of Social Security
Assistance to find employment	Department of Employment & Youth Affairs
Child education	Education Departments of States/ Territories
Follow-up medical, dental	Health Departments of States/ Territories

Refugees in Sweden--which is remarkably supportive of refugees and of immigrants of all types (allowing them to vote and run for regional and local office, for example)--tend to face the same multi-agency situation. As the Joint Working Group puts it:

> "...the way work is carried out among refugees in Sweden has both advantages and disadvantages. So many authorities are involved that it is sometimes difficult to draw the dividing-lines between their

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[6] Private company under Government auspices. The initial accommodation is generally that of a hostel, which will be described shortly. Source: excerpted from "Australian Refugee Orientation and Resettlement Programs," an undated, xeroxed, four-page document secured from the Australian Embassy, Washington, D.C. Spring, 1979.

fields of action. However, it is an advantage that the work with refugees is an integral part of each authority's ordinary work."[7]

Unlike the U.S., Australian, and Swedish models, Canada has devised a refugee program that places virtually all aspects of the refugee selection, admission, reception and resettlement processes in the hands of a single agency, the Employment and Immigration Commission. That Government agency has the equivalent of the manpower programs of the U.S. Department of Labor (including placement, unemployment insurance and occupational training programs), as well as the immigration control functions of the U.S. State Department (visa issuance) and of the U.S. Justice Department (those of the Immigration and Naturalization Service). Further, unlike the U.S. Department of Labor, which runs its placement and unemployment insurance activities through one decentralized system (the U.S. Employment Service) and its training and counseling activities through another decentralized system (the CETA prime sponsors), the Canadian Employment and Immigration Commission (E & I) runs its programs through a network of directly-operated Canadian Employment Centres.

This administrative structure reflects the usual Canadian rationality and offers a made-to-order framework for providing services to refugees. A summary of the Canadian and United States refugee assistance structures can be found in Table 14.

Refugees arriving at Canadian ports of entry, like all other travelers, go through the inspection procedure. In this instance, however, the immigration inspector not only plays the usual role of checking the newcomers' documents but also welcomes the refugees to Canada and sets the reception process in motion. Typically the inspector is aided at this point by someone from the provincial immigrant-aiding agency. Together they see to it that temporary housing is arranged and that the refugee knows how to get to the Employment Centre, which will play a key role in his resettlement.

The Employment Centre handles many of the central problems of the refugees directly, such as language and skills training

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[7] Joint Working Group, Refugees from Chile, op.cit., p. 67. See also, Ministry of Labour, "Sweden and Refugees: A Review of Questions Concerning the Selection and Care of Refugees, Compiled by a Study Group at the Swedish Ministry of Labour" (Stockholm: Departementens Offsecentral, 1978); and the Swedish Institute, "Fact Sheet on Sweden: Immigrants in Sweden" (Stockholm: The Swedish Institute, 1978).

TABLE 14
A Summary of Agency Responsibilities in the Resettlement of Indochinese Refugees, United States and Canada, 1979

PROCESS	RESPONSIBLE AGENCY UNITED STATES	CANADA
SELECTION	INS (with Volag assist.)	E&I
VOLAG ASSIGNMENT	Volags	n/a
TRAVEL	ICEM	E&I and ICEM
PORT OF ENTRY	INS (with Volag assist.)	E&I
RECEPTION	Volag and Sponsors	E&I, Provinces and Volags
HOUSING	Volag and Sponsors	E&I, Provinces and Volags
ORIENTATION	Volag and Sponsors	E&I, Provinces and Volags
INITIAL CASH ASSISTANCE	Volag and Sponsors	E&I
K-12 EDUCATION	School districts with sporadic HEW funding	Provinces, no national funding
VOCATIONAL TRAINING, AND ESL FOR POTENTIAL WORKERS	various, mostly funded with IRAP funds through HSAs	E&I funded
OTHER SOCIAL SERVICES, COUNSELING, INTERPRETATION, REFERRALS	as above, plus Volags	E&I-funded social service agencies also Provinces, Secretary of State
JOB PLACEMENT	various agencies, Volags, sponsors, HSAs	E&I
HEALTH CARE	HSAs, through IRAP-funded Medicaid	Provincial health care systems, sometimes with Health and Welfare Canada funding
CONTINUING CASH ASSISTANCE	HSAs, through IRAP-funded AFDC	varies
ADJUSTMENT OF STATUS	INS (with Volag assist.)	n/a
NATURALIZATION	INS	Department of the Secretary of State

ABBREVIATIONS:
AFDC - Aid to Families with Dependent Children
E&I - Employment and Immigration Canada
ESL - English as a Second Language
HSAs - State Human Services Agencies
ICEM - Intergovernmental Committee for European Migration
INS - Immigration & Naturalization Service
IRAP - Indochina Refugee Assistance Program
Volag-Voluntary Resettlement Agencies

for the labor force participants, job placement and cash assistance; E & I, and sometimes the Province as well, purchases various social services from community agencies, such as providing interpreters, counseling, and assistance in locating permanent housing. (It should be noted that the provincial involvement in resettlement in Canada, unlike the involvement of most U.S. States, is provincially-funded.)[8]

A key element in refugee resettlement in Canada is full-time stipended English or French language instruction, plus similar skills training when needed. As soon as possible, workers among the refugees are assigned to language training. While they are in training they are paid a standard weekly wage just as are other Canadians undergoing skills training. The stipend is roughly comparable to those paid to Americans in CETA training.

Since Canada has a universal health care program covering all residents, the refugees are simply enrolled in these programs, which are run by the provinces. Under some circumstances, the provincial funding scheme (e.g., a special sales tax) is such that no premium must be paid for the refugee; in others, if the refugee cannot meet the health care payments, they are made by Health and Welfare, Canada. In no case is the newly-arrived refugee brought into the Canadian welfare system in order to provide him with medical care, as is the case generally in the U.S. system.

Refugees who need cash assistance, either over and above the training stipend or in periods when they are not in training can secure it from the Employment Centre E & I has a flexible system in which the centres determine what the refugee needs, what his assets are, and then (within reason) provides cash assistance to fill the gap. The E & I cash assistance is supposed to tide the refugee over until he lands his first job. For long-term dependency cases, the refugees must turn to the Canada Assistance Plan, a welfare program funded 50-50 by the nation and by the provinces. Sometimes transferring cases from totally-federal E & I cash assistance to partially-federal Canada Assistance is awkward, and under these circumstances, E & I continues its support on a case-by-case basis.

Canada has recently added a new dimension to its refugee program which cuts across both admissions and resettlement policies. In the context of its new policy of setting levels of immigration, a concept which is more reminiscent of the Australian target levels of immigration than it is of U.S. ceilings or quotas, the Canadian Government recently announced its intention to admit 3,000 Indochinese per month through the end of 1980, totaling 50,000 refugees. (Since Canada has about one-ninth the population of the U.S., this would be the rough equivalent to our acceptance of 450,000 refugees during the same 18-month period.) The new concept is that the Government will admit additional refugees above the 3,000 level, if a private organization or voluntary agency is willing to provide resettlement services for a year.

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[8] The Ontario Ministry of Culture and Recreation, for example, has published a very useful (albeit in English) 281-page *Newcomers Guide to Services in Ontario*, Toronto, 1978.

Even under these special circumstances, however, the Federal Government remains responsible for a number of significant services to the sponsored refugees, and after one year, the Federal Government re-assumes all responsibility if the refugee has not become self-sufficient. The following is a quotation from a Canadian Government publication regarding the division of responsibilities for the new class of sponsored refugees:

Division of Responsibilities of Public and Private Agencies in Providing Resettlement Services in Canada's Sponsored Refugee Programs

The sponsoring group
is responsible for:

- Material Assistance - accommodation (including household effects), food, clothing and incidentals, until such time within the first year that refugee families can support themselves. If refugees become continuously self-supporting during their first year in Canada the sponsoring group will no longer be responsible for providing material assistance. But, if for any reason working members of the families cannot continue in employment, the sponsoring group will be responsible for maintenance for the remainder of that first year.

While refugees who have worked may be eligible for some work-related benefits if laid off, they will not become eligible for welfare benefits during their first year in Canada.

The Federal Government
is responsible for:

- Temporary Medical Assistance - emergency hospital, medical and dental care for refugees in the interval between admission to Canada and arrival at their final destination.
- Employment Services - job placement services from local Canada Employment Centres.
- Language Training - full-time language training for adult refugees destined to the labour force if lack of knowledge of either English or French prevents their placement in suitable employment.
- Occupational Training - full-time training, if required and available.

The sponsoring group is responsible for:	The Federal Government is responsible for:
(Although refugees will be eligible to register under provincial hospital and medical plans, upon their arrival, it may be necessary in some provinces for the sponsor, to provide private insurance coverage until the provincial plan comes into effect.) • General Orientation and Moral Support - meeting families on arrival in the community, providing initial reception, counselling and settlement assistance; helping working members find employment; and ensuring that refugees are aware of all the federal, provincial and municipal programs available to them.[9]	under existing federal training programs. • Transportation Loans - repayable interest-free loans for all refugees requiring financial assistance to meet necessary transportation expenses.

By July 1, 1979, the Commission had signed a number of contracts with church organizations, some national and some regional or local, calling for the sponsorship, to implement the expanded admissions program. It will be interesting to see how well this program works.

C. Resettlement Strategies.

In reviewing other nations' refugee resettlement programs, one is reminded that while all refugee populations have clusters of severe problems, some groups of refugees have special advantages as well, which should be borne in mind as resettlement strategies are planned. To cite just three examples:

- Chilean refugees in Britain include many displaced socialist activists and academicians; as a result, British socialist and academic communities were particularly helpful in the resettlement process. (In the U.S. the Hungarian Freedom Fighters carried with them some of the same kinds of advantages.)
- There are numerous French speakers among the Indochinese refugees, and they have been particularly welcomed by the province of Quebec.

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[9] Source: Excerpted from Employment and Immigration Canada, "Sponsoring Refugees: Facts for Canadian Groups and Organizations," (Ottawa, March 1979, mimeo), p. 3.

- The Hmong tribesmen appear to be a refugee group with extremely modest expectations, which eases the resettlement process.

Looking more broadly at the resettlement strategies of other nations, two themes were noted which were much more significant in other nation's programs than in our own. The first of these is the prevalence of specialized residential communities, often called hostels, for housing refugees during their first few months in a nation. The second is a deliberate and substantial pattern of investment in language (and often skill) training for the refugee which we call front-end-loading, (i.e., the Canadian model). In contrast, the U.S. tends to push refugees immediately into jobs (though offering, particularly in some states, relatively generous income transfer payments) and places them directly in whatever housing can be secured in the broader community.

The theory behind a hostel is that it plays the role of a half-way house and eases the transition for the refugees. Although they are living in a strange land, they are living with countrymen with whom they can discuss their experiences. Generally, since there is supposed to be a constant flow in and out of such facilities, the newly-arrived refugee can learn from the experiences of those who arrived in the hostel earlier.

Among the nations using these arrangements are Austria, Australia, France, Italy, Yugoslavia, Sweden and Switzerland, but not Canada[10] or the United Kingdom. The dozen Australian hostels, mostly located in major cities, can accommodate as many as 10,000 persons and were established to ease the transition problems of the immigrants recruited in the years after World War II. On the average, refugees spend five months in the Australian hostels, and then move out into the community. There are, of course, always the hesitant or particularly disadvantaged individuals who are reluctant to leave the hostels.

The hostels are not only housing facilities for the refugees, but orientation, counseling, and education centers as well.

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[10] Canada, however, plans to begin using transit facilities in August, 1979. In these centers refugees will stay from two days to a week for post-admission medical screening and treatment, when needed. Re-assignment to new destinations within Canada, when appropriate, will be arranged during this period, and some orientation services will also be provided.

Those in residence are given extensive courses in how to cope with the new society, and how to speak its language. While this approach to refugee resettlement appears to be wide-spread, no comparative studies of the relative value of the hostel strategy to that of simply immersing the refugee in the mainstream of the host society were encountered in this study.

Often the hostel-housing arrangement is linked with the previously-described front-end-loading strategy. This strategy appears to be based on the hypothesis that refugees are a disadvantaged population, and that a strong initial investment in human capital will pay off in the long run because it will decrease the likelihood of long-term dependency and major, continuing welfare costs. This strategy also presumably relates to, among other things, the generosity of a nation's income transfer programs--the higher the perceived costs of such programs, the greater the interest in this strategy.

Australia recently launched an extensive study of its immigrant and refugee resettlement policies, assigning the study to a four-member commission headed by Frank Galbally. The resulting *Galbally Report* called for an even more extensive and supportive resettlement process than then in place, which the commission estimated would cost about $50 million (Aust.) or about $55 million (U.S.) over the next three years. The Government adopted the recommendations almost *en toto*, and is moving rapidly to implement them.

Undergirding the Galbally Commission's recommendations was this central concept:

> "...The Report recognizes that newly-arrived migrants require a period of adjustment and that financial support should be provided during that period. There should be no pressure on them to enter the work force until the initial orientation and settlement program has been completed..."[11]

Both Canada and Australia make it quite clear that these processes cost money. The Australian Minister for Immigration and Ethnic Affairs, M.J.R. MacKellar, announced that it would cost, on average, $1,800 (Aust.) to move refugees to Australia and assist them during the first five months of their stay in the country. This translates to about $2,000 (U.S.) per refugee.[12] Canada, in its household furnishings program alone, sets a maximum of $1,500 (Canadian) per couple, plus $300 (Can.) for each dependent, indicating an investment of about $1,750 (U.S.) for a family of four.[13] This is in addition to the basic allowance for food, clothing and shelter, and funds to enable access to the labor market.

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[11] Ministry of Immigration and Ethnic Affairs, *Galbally Information Kit*, p. 3-2.

As with the hostel strategy, no cost-benefit studies of the front-end-loading strategy have been encountered, and such studies would be worthwhile.

D. Analysis.

It would appear, from this brief examination of other nation's resettlement experiences, that the following precedents could be evaluated for their application to U.S. refugee programs:

- the use of a single administrative structure, as in Canada, to manage most of the refugee-related programs;
- the use of hostels or similar facilities as transitory housing and orientation centers for newly-arrived refugees, a system used in many nations;
- similarly, very short-term transit centers, primarily for health screening, as in Canada;
- the avoidance of a legal distinction between immigrants and refugees, as in many nations;
- substantial, deliberate investment in language and skills training, i.e., front-end-loading, as in Australia and Canada; and
- the separation of the provision of medical care from participation in the cash assistance program, as in Canada.

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[12] Ian Frykberg, "Australia Offer at U.N. Talks; 1,500 More Refugees This Year," Sydney Morning Herald, 12 December 1978.

[13] "Guidelines - Settlement Adjustment Assistance Program" (Ottawa: Employment and Immigration Canada, undated, mimeo, internal document).

PART III: MAJOR FINDINGS AND RECOMMENDATIONS

Part I has described the broad context in which refugees have been admitted to the United States and the nature of the public and private institutions which have attempted to meet their special needs during resettlement. Part II has identified and analyzed the different refugee resettlement strategies used by the U.S. during the past twenty-five years, as well as selected programs of other countries. Part III of this study deals with the complex challenge of how public policymakers and practitioners can apply the lessons learned from the experiences of previous and current resettlement efforts to develop more equitable and effective refugee assistance in the future.

The major findings and recommendations of this report are outlined under three general headings:

A. The New Context for Refocusing Services to Refugees;

B. Strengthening Institutions That Serve Refugees; and

C. The Need for a Broader Base of Knowledge.

A. The New Context for Refocusing Services to Refugees

For the first time in our nation's history, the Executive and Legislative Branches are advocating a bold, comprehensive national approach to refugee resettlement which would provide equity of treatment to all refugees, regardless of their country of origin or the method of admission. The goals envisioned would strive to enable refugees to achieve rapid economic self-sufficiency and social adjustment in the new society through collaborative efforts of Federal, State and local governments working with the voluntary resettlement agencies and other private non-profit groups. Underlying these overarching goals are three prevailing, or perceived philosophies: 1) that refugees should be treated no worse than, nor any better than, all other needy persons in our society; 2) that States should not suffer any undue financial hardship as a result of the resettlement of refugees; and 3) that existing mainstream service systems should be used, rather than creating new institutional structures.

The implementation of the proposed national refugee policy as expressed in the FY '80 budget requests, relies heavily on 100% Federal support for cash assistance and medical care, and some funding for vocationally-oriented services which would be provided by existing public and private social service agencies. Thus, the philosophies of treating refugees in the same manner as citizens in need, through existing service mechanisms (primarily welfare), and the desire to relieve States from any financial liability, are met.

To proceed along this course of action, however, without refocusing efforts on the unusual and differing resettlement needs of refugees, may result in a drawn out period of dependency which serves neither the refugee nor the U.S. taxpayer well.

Two basic policy issues are at stake: 1) how the Federal Government wishes to view the refugee, and 2) the nature of the Federal commitment to lead him toward adjustment in this society. This study proposes that we modify our nation's perception of refugees in a way that does not necessarily require either a change in the proposed statute, nor a change in the general goals and philosophies outlined above. What is suggested is:

> Generally, refugees should be viewed, not as dependent populations, but rather as persons who are temporarily unemployed who need specialized types of support systems, such as language training, cultural orientation, and the ability to transfer skills from their former socioeconomic system to that of the U.S.

One only needs to review the general background of refugees during the past twenty-five years to understand that they are not necessarily a dependent population. Most of the refugees were formerly employed, contributing members of their own society, often intellectuals, scientists, politicians, or skilled craftsmen who were, or believed they would be, persecuted by prevailing political forces. That is why they fled their homelands. They are "survivors," that is why they were successful enough to escape and find asylum in another country. While, generally, many of them have enormous internal resources, such as education and work experience, few possess capital resources when they first come to the U.S. For this reason, they need transitional assistance to enable them to reconstruct their temporarily disarrayed lives to become, once again, self-sufficient, contributing members of society.

The tools needed to rebuild their lives and to adapt to the new society include the following: language training, vocational upgrading, emergency cash assistance, some cash supplementation while developing their skills, medical services, cultural orientation and mental health services. While there are mainstream programs for others in our society who need some of the same tools, it is arguable that those programs are not typically equipped to handle the cultural, linguistic, emotional and educational distinctions posed by a refugee population. Therefore, while some on-going programs can be tapped and "sensitized," new approaches are necessary in other human service fields.

Unlike temporarily needy persons in our society, refugees who cannot obtain self-sufficiency within a matter of weeks must, as a matter of first recourse, turn to the welfare offices. They are unlike temporarily unemployed persons in our own society who have several alternative support systems, such as relatives, savings or bank loans, unemployment compensation--then welfare. Refugees seldom have access to any of these other systems. Refugees thus are drawn into the U.S. welfare system which, in spite of periodic changes, continues to be a source of criticism by virtually all knowledgeable practitioners, policymakers and recipients, and is the subject of continual reform attempts in an effort to remove the inequities, disincentives to self-sufficienty, and the stigma which unfortunately prevails about the program. The welfare system promotes dependency for its American recipients and to depend on that "system" to help the refugees become contributing members of society seems a burden to them, at best, and unwise public policy, at worst.

In an effort to put into perspective the weaknesses of the existing approach, the following discussion of appropriate services, within the new context, is organized into three sections, dealing with:

1. Economic Adjustment
2. Health Needs
3. Social Adjustment

In each section there are brief findings, summarized from the previous nine chapters, followed by recommendations.

1a. Economic Adjustment - Findings

Economic adjustment is the process by which refugees move from (usually) economic self-sufficiency in their homeland through a transition period to economic self-sufficiency in this country. Often during the transitional phase--and sometimes for much longer periods of time--the refugees are dependent on public funds.

Our principal findings in this field are that:

- the economic adjustment process is difficult and expensive (though that burden can be placed on different sets of shoulders); and

- that the prospects for dependency are increased by recent U.S. resettlement practices.

While one could construct any number of models of refugee economic adjustment, the four illustrated in Chart 2 are offered for consideration. The first, that of short-term dependency, is essentially that which the Hungarian refugees experienced and is the model most attractive to U.S. policymakers. The notion is that relatively minimal expenditures are needed to convert the refugee into a full-fledged taxpaying member of our society. It works for some, but not all, refugees.

The second model, of sustained total dependency, is clearly the one to be avoided. Obviously, at least a minority of any population, such as the 2% of the Indochinese refugees on SSI, will fall into this mold. How many continue to be in this category, perhaps needlessly, is the major question.

The third model, of sustained partial dependency, apparently applies to a substantial fraction of the current group of refugees, in that some member of the family has some earned income but not enough to remove the family from the welfare rolls.

The fourth model, of front-end loading, is the one used, consciously, by the Canadians and the Australians. They recognize that resettlement is a costly and difficult process, and they seek to make substantial initial investments in human capital to avoid sustained dependency.

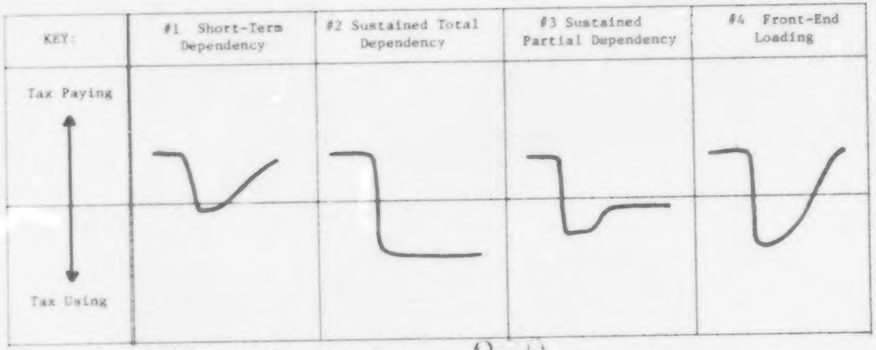
The United States, while hoping that the first model will prevail, often slips into the second and third patterns, as the relatively low labor force participation rates for Indochinese refugees indicate. It may well be that the fourth model is not only more cost-effective than the second and the third, but better for the morale of the refugee and the long-term viability of his resettlement.

To some extent the complexities of the U.S. budgetary process tend to mask the costs of the resettlement process. Some funds are voted through the State Department's budget, and others are appropriated to HEW. Some HEW funds (such as those for IRAP) are clearly earmarked for refugees; others, such as the estimated $8,000,000 or so in SSI benefits to Indochinese refugees paid in FY '78, are lost from view.

CHART 2

Economic Adjustment Models

(a schema)


KEY:
#1 Short-Term Dependency
#2 Sustained Total Dependency
#3 Sustained Partial Dependency
#4 Front-End Loading
Tax Paying
Tax Using

Despite these complications, it is the Federal Treasury which is paying most of the costs of the major recent resettlement programs, not the private sector, which supported the Hungarians (and more recently the Kurds and Chileans), and not the sub-national governmental organizations, which tend to play a larger role in Canada than they do here.

In summary, the U.S. appears to be increasing Federal costs and the prospects for dependency, unwittingly, by a series of unrelated actions: providing cash assistance through the welfare network; providing medical services through that network; investing relatively little money in human capital development; and finally, the near-automatic practice of some refugee-serving agencies of referring refugees to the nearest welfare office.

1b. Economic Adjustment - Recommendations

An ideal system for short-term economic assistance to refugees contains the following ingredients: 1) it should establish a national benefit standard with regional differentials based on cost of living so that the level of payments would not encourage secondary migration or dependency; 2) eligibility rules should be simplified and standardized with uniform, if any, assets tests; 3) it should provide incentives for self-sufficiency without penalizing the working poor; 4) it should recognize the temporary nature of the needs of refugees; 5) it should not stigmatize the refugee recipient; 6) it should provide the ability to link the refugee into employment and training systems; 7) it should take into account the varying demographic compositions of refugees, such as large families; and 8) it should be as cost-effective as possible to the U.S. taxpayer.

The design of such an ideal system is beyond the scope of this study. However, it is believed that the general models of two existing systems merit extensive study to test their applicability. Those systems include an Unemployment Insurance model and a Social Security Administration-operated model for the majority of any refugee movement that is potentially self-sufficient.

The following recommendations are offered:

RECOMMENDATION #1: That HEW initiate a study of the applicability of a program run directly through the Social Security Administration offices to replace the current AFDC model for employable refugees. The model should provide temporary assistance during which the refugee should be enrolled in language and skills upgrading programs. The model should provide a national floor for uniformity in payments, perhaps at a level higher than current SSI. State supplementation could be a State expense. Other ingredients outlined under the "ideal system" should be included in the model design.

RECOMMENDATION #2: That the Department of Labor initiate a similar study to test the applicability of a DOL-administered system based on the Unemployment Insurance model, although it, too, would be Federally financed. The job-related services funded through the U.S. Employment Service and CETA could be a major linkage feature of the U.I. model, as well as other ingredients outlined under the "ideal system" discussion.

RECOMMENDATION #3: That the Administration and the Congress consider using the refugees as a special pilot group, providing them with a model welfare reform package and testing the results, in terms of their broader applicability to the entire welfare population. (For more than a decade, the Executive and Legislative branches have struggled with welfare reform. None has been implemented because of the unpredictable and dramatic impact which any reform initiative might have on the Treasury or on the 10,400,000[1] welfare recipients, or both. Thus, a pilot effort such as using refugees as a model should be considered.)

RECOMMENDATION #4: That potentially unemployable refugees in non-intact families who would normally be eligible for AFDC (such as a single head of household with children under 6 years of age) be enrolled in existing State-administered programs, and that the Federal Government support the program 100% for three years.

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[1] Recipients of AFDC cash assistance payments in September, 1978, Social Security Bulletin 42 (March 1979): 64.

RECOMMENDATION #5: That the aged, blind and disabled refugee who would otherwise qualify for SSI be enrolled in that program on the same basis as others who are categorically eligible, but that the definition of disability as it applies to refugees be flexible enough to adjust for chronological age differentials (e.g., an Indochinese refugee at 55 years of age may be the equivalent of a 65 year old American due to pre-existing nutritional deficiencies and environmental conditions).

RECOMMENDATION #6: That the duration of 100% Federal reimbursement for cash assistance to potentially employable refugees be provided for up to three years after the refugee has been admitted to the U.S. If the refugee has not become self-sufficient by that time, and if otherwise eligible, he should be enrolled in general assistance or AFDC programs without full Federal funding.

Transferring the cash assistance program, for workers among refugees, to a non-welfare related network should help reduce dependency, but this cannot be accomplished unless there is a simultaneous investment in the tools needed by refugees to succeed in the labor market. Those tools include the knowledge of English, vocational counseling, skills upgrading. and placement assistance.

All refugee movements have documented the fact that the most critical element to effective resettlement is the ability to speak English. In spite of the universal need for such language skills, it has been one of the glaring shortfalls of Federal assistance. If the resettlement effort seeks to encourage self-sufficiency, there has to be a dramatic realignment of resources and a new emphasis on ESL and basic literacy for refugees who are pre-literate.

RECOMMENDATION #7: That funding be provided for three types of language instruction: 1) ESL linked to employment or employment training; 2) survival English for those not potentially employable; and 3) ESL training for school children for two years. With regard to all language training, it should be noted that refugees appear to become most highly motivated from four to six months after their arrival. Ideally, all refugees should have access to language training no later than that time period.

RECOMMENDATION #8: That employers be given incentives to grant release time to refugees enrolled in intensive language training. Such training should last from four to six months.

RECOMMENDATION #9: That States be encouraged to generate language training programs in community colleges.

RECOMMENDATION #10: That funding be continued for a national linguistic clearinghouse which: 1) develops and disseminates instructional materials and information on models and curricula; 2) provides bilingual counselors and training sessions; and 3) serves as a center for translation services.

RECOMMENDATION #11: That the Office of Education be required to monitor and evaluate all programs it funds. Specific projects should be funded for at least two years in order to provide adequate start-up time.

RECOMMENDATION #12: That service strategies include outreach, involvement of refugees in planning, linkage to employment, and transportation to child care services. Individual evaluation and testing should be a prerequisite to educational placement.

Contrary to the role formerly played by the U.S. Department of Labor in the Hungarian program and the comparable role currently played by Canada's Employment and Immigration Commission, DOL has not been substantially involved in recent refugee resettlement programs. This is unfortunate because DOL plays a major role in the labor market and has devoted its energies to a series of other disadvantaged populations, ranging from migratory farm workers and Native Americans, to the displaced aeronautical engineers of a decade ago. The Department has substantial experience and facilities in the very areas in which the refugees need help most, if they are to participate fully in the labor market and become economically self-sufficient.

The following recommendations are offered:

RECOMMENDATION #13: That the Department examine the possibility of creating an additional national program under CETA Title III, for recently arrived refugees, complementary to similar programs for farm workers, Native Americans, and other specialized groups.

RECOMMENDATION #14: That the Department take assertive action vis-a-vis prime sponsors of the CETA programs, to ensure that refugees are included in on-going programs and, where there are substantial clusters of them, ensure that specialized programs be made available to them.

RECOMMENDATION #15: That the Office of Research and Development of the Employment and Training Administration (DOL) consider funding experimental job training programs for refugees to evaluate the relative utility of such approaches as front-end loading, immediate on-the-job training in employment locations where there are clusters of other refugees, DOL-funded language training at the work place, etc.

RECOMMENDATION #16: That the Department initiate a major effort on the part of the U.S. Employment Service to provide counseling, testing, placement and training services to refugees with an incentive funding program similar to that now available for the placements of veterans.

In addition to providing work-related services to refugees, it is equally important to provide both incentives to employers to hire refugees and to refugees to work. Fortunately, two models are readily available.

RECOMMENDATION #17: That the definition of workers eligible for targeted jobs tax credits be amended so that employers will receive a tax benefit for employing recent refugees, just as they do now for hiring members of other disadvantaged classes (e.g., AFDC recipients, former convicts, etc.).

RECOMMENDATION #18: That the earned income tax credit (EITC) program be publicized in the refugee community. The EITC is designed to reward the working poor with additional Federal dollars for working--as much as $400 a year for families with incomes under $8,000 a year in 1978. Many of the more recent refugees have incomes within this range, but the resettlement agency field staffs do not seem to be aware of this program which is tailor-made for many of the refugees.[2] This recommendation would not require changes in laws or regulations.

Although refugees are entitled--and encouraged--to work, the existence of the parole status has been cited throughout this study as a major legal impediment to employment for refugees in Federal, State, and local governments and in certain professions. The new refugee legislation abolishes this status for all refugees who are admitted as part of the "normal flow" of refugees but provides that any additional refugees would be admitted as conditional entrants, which carries with it the same problems as parole status.

RECOMMENDATION #19: That all refugees admitted to the U.S. be given permanent resident alien status.

RECOMMENDATION #20: That the President rescind Executive Order 11935, which prohibits Federal employment of permanent resident aliens.

2a. Medical Care - Findings

Due to the variety of means through which refugees escape from their homelands, it is difficult to anticipate the full nature of health-related problems. However, certain generalizations are valid. Emergency medical care, particularly for tuberculosis and malnutrition, is commonly required. Dental care seems to be a problem for all refugees, and parasitic illnesses are common for refugees languishing in Southeast Asian camps. There is a dual problem related to medical assistance to refugees: 1) access to quality care; and 2) the financing of such care.

Once the refugee has been admitted to the U.S., the principal problem is the financing of health care. An example of this arose in 1975 when there was extensive concern by potential sponsors of Indochinese refugees that extraordinary medical expenses might occur, thus posing a potential impediment to the voluntary agencies in their placement efforts. To resolve this situation, the Federal Government agreed to reimburse States for 100% of the medical care for needy refugees, the implication being that the refugees must be eligible for a State Medicaid program, thus being categorized as either indigent or working poor.

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[2] Where there is knowledge of EITC, it is mentioned in connection with filing income tax returns; no one discussed it in terms of its utility as an additional inducement for work, rather than dependency.

Two comments bear mentioning here; first, the kinds of entry level or seasonal jobs refugees tend to get initially, and the fact that their parole status excludes them from some of the more lucrative jobs, limits access of refugees to employer-employee health plans. Secondly, since Medicaid is provided through the local welfare agencies, a refugee seeking to enroll in Medicaid is quickly linked into the welfare system which may tend to promote further dependency. The latter point is particularly pertinent. One pattern consistently evident in the surveys of Indochinese refugees was the fear of losing Medicaid should they become employed. Thus, some refugees do not accept jobs, even though the salaries would be more than the welfare payment.

2b. Medical Care - Recommendations

In an effort to recognize the importance of early and accessible health care, but not linked into the welfare structure, the following recommendation is offered:

RECOMMENDATION #21: That the Federal Government separate eligibility for medical care from cash assistance and income. This could be done through universal medicaid entitlement without regard to any categorical eligibility, or through a group health insurance plan (such as Blue Cross/Blue Shield, Aetna, Prudential, etc.) offered by the voluntary agencies and paid for by the Federal grant.

In response to other health considerations, the following are suggested:

RECOMMENDATION #22: That overseas surveillance and inoculations recently implemented for refugees in Southeast Asia by the Public Health Service be a regular feature of all refugee processing.

RECOMMENDATION #23: That State and local health officials be apprised of the health status of all refugees being resettled in their geographical area, with specific information provided on the nature of any health problems, the type of medication the refugee is using, if any, and suggested follow-up treatment.

RECOMMENDATION #24: That in medical screening, physicians and other health practitioners be sensitive to cultural problems, particularly the reticence of persons in certain cultures to be examined by someone of the opposite sex.

RECOMMENDATION #25: That special health needs not currently covered in some States by Medicaid, such as dental care and parasite screening, be covered by all States as a reimbursable expense.

3a. Social Adjustment - Findings

Longstanding provisions of the Social Security Act have enabled the Federal Government to fund a variety of social services targeted to the general welfare population and others in need. Under Title XX of the Act, each State prepares an annual plan outlining the services it will provide, such as family planning, transportation, day care, counseling, services to the aging, outreach and referral to other services, employment assistance, etc. The Federal Government plans to provide a ceiling of $2.9 billion in FY '80 to the States for these services. Because of the flexibility within the authorizing legislation, States have broad discretion on the nature of the services they provide. If otherwise eligible, refugees may receive these services although some States have no special, culturally-sensitive services for Indochinese refugees. In others, the services are quite extensive.

In addition to the States' normal Title XX entitlement, IRAP funds 100% of the costs of services provided to Indochinese refugees under the State Title XX plan. However, many of the services are of an outreach and referral nature, and have not necessarily been designed for needs that are refugee-specific, such as cross-cultural orientation, mental health, translation, or language skills development.

In a partial effort to compensate for the variety in the quality of these services, IRAP Special Project funds, administered directly by HEW, have focused on orientation, language, and mental health needs, without requiring the beneficiary to submit to needs tests and other eligibility criteria, as is the case with Title XX.

The dual system for funding supportive services has had mixed results, particularly related to the impact on social adjustment of refugees. Of all the services provided, there appear to be some duplicative efforts among Title XX, Special Projects and voluntary agency programs, but more importantly, there are still numerous geographical areas where no special refugee services are provided. While a strong State leadership role seems advisable in planning comprehensive services, the authors of this study are reluctant to endorse complete State authority in determining the content of all services or the delivery mechanisms. The reasons for this are the long lead time often required by States to issue purchase of service agreements, the tendency of States to impose complex administrative regulations, and the general lack of State leadership (if the Indochinese program is any indication) in making the programs responsive to the needs of refugees.

3b. Social Adjustment - Recommendations

The following recommendations are offered to streamline the delivery of refugee social adjustment services:

RECOMMENDATION #26: That the Federal Government abolish a separate Title XX-type funding mechanism for refugees and commingle the funds with the current Special Projects design. These funds would be targeted specifically for cross-cultural orientation, mental health, translation services, and assistance to self-help groups. The normal Title XX vehicle (already funded by the Federal Government in large part) should remain accessible to all refugees in need, without additional cost to the Federal Treasury.

RECOMMENDATION #27: That planning for the expenditure of social adjustment services be developed in conjunction with a Governor's Task Force composed of State agency personnel, voluntary agency representatives operating in the State, local government and consortia leaders, and refugees. The Federal Government should provide a grant to the States to establish this planning mechanism.

RECOMMENDATION #28: That some percentage (i.e., 15%) of the total funds appropriated for social adjustment services through the States' plans, be retained by the Federal funding agency for specially targeted efforts, required because of unanticipated secondary migration clustering, and other needs not identified in the State plans.

RECOMMENDATION #29: That ESL and employment-related services not be funded out of current social service funds, on the grounds that these services should be provided by education and employment-related agencies. (See recommendations 7 and 13 through 16.)

RECOMMENDATION #30: That consortia be encouraged with funding incentives provided for projects which have local government, local voluntary agency and refugee self-help participation. Models such as local lead agencies which request funding for a specific service and allow all local refugees to enroll, or unified proposals in which public and private agencies coordinate their efforts, are models which merit consideration.

The issue of mental health has been mentioned briefly so far, but merits further discussion at this time. Historical studies of exiles and refugees, as well as reports from HEW's refugee mental health projects, indicate that a combination of culture shock, anxiety and guilt over the separation of family members, loss of status, and general disorientation are sad features contributing to mental debilitation. Symptoms usually occur two years after arrival--after the initial surge of survival instincts upon admission and early resettlement in the new society. The symptoms are as varied as the causes--ranging from mild to severe depression, the breakup of family units as a result of new tensions and role reversals, disaffection between parents and their children who are making efforts to Americanize and may reject the cultural values of their former society, etc.

Federal leadership is needed to address these and other mental health problems. The following ingredients for program design are suggested:

RECOMMENDATION #31: That refugees be trained to be service providers and counselors, rather than relying on the mainstream mental health centers and American counselors.

RECOMMENDATION #32: That the two-plus years delay factor in the usual onset of symptoms of mental health problems be recognized in Federal eligibility for services. For this reason, at least three years of eligibility should be provided.

RECOMMENDATION #33: That to the extent possible, self-help groups be encouraged and assisted financially in their cultural orientation of other refugees and in recreational and counseling efforts.

RECOMMENDATION #34: That individual resettlement plans be prepared by the voluntary agency sponsors which include specific goals that can be monitored by the refugee in an effort to reduce his anxiety about resettlement prospects. This is particularly appropriate for single males who, if they have no prospect for family goals, need better career goal orientation as a substitute.

RECOMMENDATION #35: That pre-migration counseling be offered which realistically informs the refugee of the problems he will face during resettlement. All sponsoring agencies should provide such orientation prior to the admission of the refugee.

Finally, social adjustment for one particularly vulnerable element of the population, unaccompanied minors, is an extremely important aspect of refugee resettlement. In this regard, the legal guardianship problems, as well as the extent of Federal funding for services to these minors have always been resolved in an ad hoc manner. Fortunately, the proposed legislation clarifies the latter by stipulating that any unaccompanied minor refugee, in the future, will be eligible for full foster care support until that child reaches the age of majority.

RECOMMENDATION #36: That the proposed 100% Federal funding of foster care be enacted.

RECOMMENDATION #37: That a placement plan for the settlement of a specific child be required of the participating agency by the Federal Government. Such a program would reduce the possibility of children being placed in situations where there had been no home studies. Further, additional child placement agencies with experience in the field should be allowed to participate in this program.

RECOMMENDATION #38: That a consistent policy be devised to cope with the interim guardianship for such minors, prior to a final determination by a State court. Such a policy could be worked out jointly by HEW, INS, the States, the American Public Welfare Association, and the participating placement agencies.

B. Strengthening the Institutions that Serve Refugees--Findings and Recommendations

Effective resettlement of refugees requires a concerted, collaborative relationship between public and private agencies. This, in turn, demands the clear delineation of respective roles and responsibilities. The absence of, or delay in, issuance of clear guidance from the Federal Government has been a problem in every refugee movement. This often has been compounded by a lack of agreement among the Federal Government, States, localities and the voluntary resettlement agencies regarding which entity should bear the responsibility for what services. The most notable example of this was the confusion over the extent of the voluntary agencies' responsibility during the Indochina program as to whether any of their sponsored refugees could accept welfare. A generally exaggerated concept of the capacity of the voluntary agencies to provide full resettlement support generated ill-will and distrust. Fortunately, albeit late in coming, communications have improved, and similar misunderstandings have been minimized.

In the future, there appear to be several steps which should be taken to strengthen the institutional roles of public and private agencies. The following recommendations speak to that challenge:

1. Strengthening the Federal Role

RECOMMENDATION #39: That a single agency coordinate all Federal funding, policy issuances, evaluation and program management, both internationally and domestically.

The current Office of the Coordinator for Refugee Affairs is a step in the right direction; however, that office does not directly receive all discretionary appropriations and then allocate them and monitor their disbursement. Adding that dimension, as well as a strong monitoring staff (which does not yet exist), to the Office would enhance its coordinating strength.

RECOMMENDATION #40: That an Office of Refugee Affairs, reporting to the Secretary of HEW, be established to operate the discretionary programs assigned to HEW, such as those now funded through IRAP's social services and Special Projects grants, and those previously assigned to the Office of Education. The new office should supervise, but not directly administer, cash assistance (if retained within HEW), and medical assistance programs. That office would also serve as the HEW liaison with the Office of the U.S. Coordinator for Refugee Affairs and with other Federal agencies.

RECOMMENDATION #41: That the reimbursement to States for cash assistance (wherever it is assigned) and for medical services be stabilized. States should receive funding through a permanent authorization, without an annual ceiling, much like the permanent authorization for AFDC. Annual appropriations should be available on the basis of estimates of such sums as may be necessary to carry out the terms of the program. Subjecting the State reimbursement procedure to annual authorizations and appropriations processes injects a degree if instability which neither the States nor the refugees should suffer.

2. Strengthening the State Role

In every refugee movement, some States are more active in coordinating the resettlement process than others. The role of the Governor's office and, potentially, that of the State legislature can be extremely helpful in maximizing the effectiveness of resettlement efforts in the State. The following recommendations reflect suggestions being considered by the Office of the Coordinator for Refugee Affairs, which we endorse:

RECOMMENDATION #42: That the Governor of each State with significant numbers of refugees establish a task force to coordinate services to refugees and serve as a focal point for information within the State. (See Recommendation #27)

RECOMMENDATION #43: That States, in turn, give preference in social service funding decisions to local consortia of voluntary agencies, local governmental agencies, and refugee groups.

RECOMMENDATION #44: That States be required to submit statistical data to the Federal Government for program evaluation. The Federal Government should establish its data needs, and the States should ensure that comparable data be gathered in a timely fashion.

RECOMMENDATION #45: That, while States may want to serve as voluntary resettlement agencies, it is probable that they can be as, or more, effective as advocates and service integrators. In this regard, it is recommended that the Governors assist in facilitating effective resettlement by causing change at the State level, such as:

- permitting refugees to pay tuition at in-state (rather than at out-of-state) rates in educational institutions;
- working with the court systems to expedite the legal custody questions regarding unaccompanied children;
- establishing in-service training, regarding refugee needs, for State employees in social service, mental health, and educational programs; and

- waiving citizenship requirements for occupational certification.

3. Strengthening the Voluntary Agency Role

Experience has shown that the traditional voluntary agencies have generally performed exceptionally well during the past twenty-five years. However, their efforts are not without fault. The lack of consistency in the diverse methods of resettlement needs to be addressed without undermining the agencies' creativity and flexibility. Also at issue is the appropriate relationship between the voluntary agencies and the Federal Government. Currently, the State Department provides grants to the voluntary agencies for initial screening, reception, placement, and resettlement services. HEW has expressed concern that since much (but not all) the voluntary agency effort is of a domestic nature, HEW should administer the grants. However, the State Department views its special relationship with the agencies as essential to ensuring the effective movement of refugees from an international site to the U.S. The following suggestions related to these issues are offered. Those items with an asterisk (*) indicate elements proposed by the Office of the Coordinator for Refugee Affairs which we endorse:

RECOMMENDATION #46: That the Office of the U.S. Coordinator for Refugee Affairs have full authority to provide and monitor the reception and placement grants to the voluntary agencies. Because the President has vested the authority in that Office to oversee all Federal refugee assistance efforts, and because both the Departments of State and HEW have a strong interest in these grants, the Coordinator's Office appears to be the most viable location to ensure adequate interagency coordination with the voluntary agencies.

*RECOMMENDATION #47: That specific eligibility and performance criteria be established for voluntary agencies. Six criteria are offered:

1. National scope with local affiliates;
2. Capacity and willingness to monitor and provide guidance on reception, placement, and support activities to its affiliates or local subcontractors;
3. Demonstrated ability to stimulate private contributions and to deal with the complexities of budgetary management;
4. Willingness to resettle all ethnic groups regardless of religious affiliation;

5. Non-alignment with any political party; and
6. Demonstrated successful experience in providing assistance to immigrants and refugees.

RECOMMENDATION #48: That an interim period be established in which the voluntary agency, in return for receiving a Federal grant, is responsible for 24-hour services, housing, cash assistance, active orientation and job placement. The period of time should be negotiable, depending on the size of the grant, but a recommended duration is 3 months.

RECOMMENDATION #49: That the agencies strengthen the pre- and post-migration orientation to explain the nature of the society which the refugees are entering, the rights and responsibilities of the refugees, and the functions of their sponsors. Similarly, the agencies should provide appropriate information to the sponsors.

RECOMMENDATION #50: That the agencies make use of existing information regarding the location of ethnic communities[3] in their resettlement planning. They should discourage widespread dispersion of refugees in favor of clustering of at least one hundred or more refugees so that the refugees can be mutually supportive of one another and service delivery can be more cost-effective.

*RECOMMENDATION #51: That voluntary agencies not resettle refugees in any location in which they do not have a local affiliate, or they should enter into formal agreements with other competent agencies to provide the full spectrum of resettlement services. Examples of such affiliates could include YMCA, County Social Welfare Councils, stable self-help groups, or other ACVA members.

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[3] Derived from INS alien registration card data, which in recent years have been printed out by zip code for various categories of Indochinese refugees.

RECOMMENDATION #52: That voluntary agencies under contract with the Federal Government participate in all information sharing and Federally-initiated meetings for the coordination of refugee assistance. Additionally, the current loose configuration of agencies under the American Council for Voluntary Agencies (ACVA) should be strengthened to accommodate the vastly increasing number of refugees being admitted to the U.S. ACVA should more aggressively develop collaborative program efforts, coordinate national advocacy, provide internal management improvement, and develop long-range performance and evaluation programs. Because the Federal Government relies so heavily on these agencies, it should provide ACVA with initial funding to support an expanded structure. Subsequent funding should be provided by the agencies themselves. This recommendation is not intended to undermine the existing systems; however, the pooled talents of the member organizations can greatly enhance their individual and collective ability to perform.

RECOMMENDATION #53: That the Federal Government should make available technical assistance, as AID currently does for the voluntary agencies that administer AID funds overseas, to strengthen the capability of voluntary agencies to improve their planning and management.

4. Strengthening the Local Government Role

Since it is at the community level where refugees ultimately reside, local government should participate actively in coordinating the local resources directed toward refugees. Maximum initiative should be afforded local communities, and they should be given incentives for funding consortia and service linkages at the community level.

C. The Need for a Broader Base of Knowledge

One of the major impediments to effective long-range planning in this field is the lack of basic, comparable data on the results of refugee resettlement, and the even more pronounced lack of analysis of available data. It is hard to know which of the many diverse resettlement strategies are more promising than others, as little if any comparable data exist on the results of those strategies. Perhaps the most frustrating element of this is the fact that there is a substantial body of useful data extant --and often computerized--but it has not been linked in a meaningful way.

A more solid base for resettlement planning could be constructed if the following recommendations were adopted:

RECOMMENDATION #54: That the series of on-going, or potentially on-going, data systems of the refugees be continued, be refined and strengthened, and to the extent possible, be made compatible with each other. These systems are:

- INS alien address reports (form I-53). These are filed annually by all aliens (including refugees) and potentially offer a great deal of data on secondary migration of refugees and their occupational patterns.
- Social Security Administration taxable earnings reports. Since the Social Security numbers for the 1975 group of refugees were issued in a single block, it is relatively easy for SSA to provide information on refugee earnings and on a measure of labor force participation.
- Internal Revenue Service tax liability reports. At the instigation of this study, and with IRAP funding, IRS has agreed to compute the tax liability (and hence one measure of the contribution of Indochinese refugees to society) for the years 1976 through 1978. Those data should be valuable when they become available, and the series should be continued in the future.[4]
- IRAP data series. Two of the on-going IRAP data series are particularly important, the telephone surveys conducted by Opportunity Systems, Inc. (OSI), and the incidence and cost of welfare payments made by the States. The OSI surveys, if they are to be continued, should be constructed in such a way that the

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[4] See Postscript.

other three systems can be used to evaluate the extent of the built-in bias of the telephone system. Further, the OSI surveys should secure data not only on the income of refugees (earned and unearned) and other variables, but also on the extent to which the refugees have received linguistic and vocational training since their arrival.

RECOMMENDATION #55: That a National Refugee Resource Center for information and technical assistance be created. It would have four functions:

1. It would provide continuing guidance and assistance to the managers of the disparate data systems described above, as well as others that may emerge. It would provide continuing analysis of the products of all these systems.

2. It would serve as a repository of information on successful U.S. and foreign models of resettlement services, including skills training programs, service linkages, advocacy, and orientation.

3. It would develop a capability to deliver technical assistance through national and regional teams to local service-providers and voluntary agencies.

4. It would train mental health, social service, and education professionals, or train their trainers.

RECOMMENDATION #56: That, in addition to the continuing research and analysis outlined above, three one-time research projects be launched. The three are:

- A retrospective study of what happened to the 1975 cohort of Indochinese refugees, in terms of earned income, welfare dependency and secondary migration. The study would be based on computerized data in the Evacuee File, a rich source of demographic data on the cohort, 1976 through 1979 INS alien address card filings, which record secondary migration and occupational changes, Social Security taxable earnings data, and, to the extent available, State welfare data. The most recent INS alien registration card data, which contains both the Social Security number and the aliens' INS identification number (the A Number) is the Rosetta Stone to the other data sets, allowing all four series of data to be linked (but only for aggregate research purposes).

A careful review of these data, using such techniques as regression analysis, should provide resettlement practitioners with useful insights into which combinations of characteristics appear to lead to self-sufficiency, and which to dependency; further, given the data on State of residence and voluntary agency assignment, it might supply policymakers with insights on whether or not these two variables relate to the likelihood of independence or dependency.

- A longitudinal, comparative study of similar groups of incoming refugees, some of whom would be exposed to the previously described front-end loading approach of intensive human capital investment, some of whom are largely left to fend for themselves (finding themselves in a State with a non-generous cash assistance policy) and others who settle in any area with a more generous cash assistance policy but little in the way of vocational or skills training. What happens, over time, to these refugees, in terms of earned and unearned income, and other measures of economic and social adjustment? To what extent do these different resettlement strategies make a difference to the refugees?

  Such a study might also explore the question of what is the most appropriate combination of services, for various groups of refugees, and what is the most appropriate sequence of such services.

- A comparative study of clustering. This study would examine the question, "what is the optimal size of the refugee community?" from the point of view of the refugees themselves, from that of cost-effective service delivery, and from that of certain objective, external measures, to the extent they can be utilised. The latter would include labor force participation, welfare, employment rates, wages earned, savings made, as well as such social adaptation measures as migration, family breakup and suicide rates. What happens to the loners, the only refugee family in a small town? What happens to those who live in such large clusters that they can avoid learning English? Is there, indeed, a middle-sized cluster which offers a warm, supportive community where there is just the right amount of contact with the outside world? The desirability of securing the answers is clearly easier to visualize than the methodology for securing them, but the effort appears to be well worthwhile.

Conclusion

This group of 56 recommendations is not a panacea for all the issues related to refugee resettlement, although it is hoped that it will provide useful guidance for future program planning and management. The progress made to date in refugee resettlement has been truly remarkable in terms of the generosity of the involved individuals and institutions (both public and private). Yet, as with any human service initiative, improvements are needed to ensure equity of opportunity and a supportive environment in which the talents and contributions of all refugees can be enhanced. While the initial investment may seem great, the results can be measured for generations to come in the contributions that refugees have made in the past and will continue to make to our nation. The compassion we show now is an investment, not only in humanitarian terms today, but also in the benefits to our entire society for the future.

POSTSCRIPT

This Postscript reports on some additional data on the economic adjustment of the 1975 cohort of refugees which became available after this report was completed but prior to its delivery. That information--on the gross adjusted income of the refugees, the extent of filing of income returns with the Internal Revenue Service (IRS) and their reported tax liability--can be seen in Table 15. The information was collected by meshing the 132,000 Social Security numbers allocated to the 1975 refugees with IRS tax returns for the last three calendar years (i.e., tax years).

Table 15 indicates that the refugees are doing better in the labor market with each passing year, in terms of the number of persons filing returns, the amount of their aggregate adjusted gross income, the amount of tax liabilities, as well as mean adjusted gross income. For example, between 1976 and 1978 the total adjusted gross income nearly doubled, to close to a quarter of a billion dollars, and the tax liability more than doubled, to more than $18 million. Even the least dramatic of the increases, in the mean adjusted gross income, rose faster than the rate of inflation.

Although in a number of ways the IRS data are encouraging, even in 1978 the proportion of refugees filing income tax returns was not as great as that of Americans generally. Approximately 57% of all U.S. residents 18 and over filed income tax returns in 1977, the most recent year for which we have data, while about 49% of the Indochinese in the same age group filed returns.* Thus the IRS data confirm the previous statements made about the relatively low labor force participation rates of these refugees. In spite of this caveat, it should be stressed that these data are moving in the right direction, and the expectation is that this strong trend--towards higher earnings and higher tax payments--will continue in the future.

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*U.S. data derived from *Statistical Abstract of the U.S. 1978*, Table 5 for population 18 and over, and Table 435 for those filing income tax returns; Indochinese data, for filers, from data secured from IRS and reflected in Table 15 of this report; the estimate for the Indochinese refugee population 18 and above was derived by applying age distribution data in Table 8 of HEW, *Report to Congress*, *op. cit*., Dec. 31, 1978 to the 12/15/75 population of refugees (128,110) shown in Table 7 of that report. (Were the entire block of 132,000 Social Security numbers used as the base, the labor force participation rate of 49% quoted above would have been reduced by two points.)

TABLE 15

Distribution of Refugees Filing Income Tax Returns, and the Amount of their Adjusted Gross Income and Reported Tax Liability by Income Level, 1976-1978

Adjusted Gross Income	TAX YEAR 1976			TAX YEAR 1977			TAX YEAR 1978		
	Total Returns	Total AGI* Reported	Total Tax Reported	Total Returns	Total AGI* Reported	Total Tax Reported	Total Returns	Total AGI* Reported	Total Tax Reported
Less Than $ 5,000	12,547	$32,313,191	$ 760,308	10,428	$25,419,187	$ 338,469	12,284	$26,495,728	$ 336,379
$ 5,000 - $ 9,999	8,698	60,021,139	3,651,657	9,823	70,832,173	4,235,940	9,463	69,736,206	4,501,112
$10,000 - $14,999	1,987	23,712,419	1,828,227	3,712	44,955,809	3,554,050	4,960	60,353,809	5,572,218
$15,000 - $19,999	422	7,104,821	712,786	1,394	23,736,190	2,292,093	2,236	38,467,732	3,888,449
$20,000 - $24,999	69	1,503,629	176,441	360	7,873,553	925,335	945	20,872,700	2,429,787
$25,000 or more	27	798,555	132,245	123	3,737,361	593,229	428	12,675,966	1,777,992
Total	23,750	$125,454,754	$7,261,664	25,840	$176,554,273	$11,939,116	30,316	$228,602,141	$18,505,937
Mean**	$5,282			$6,833			$7,299		

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*AGI = Adjusted Gross Income

**Derived by dividing "Total AGI Reported" by "Total Returns"

Source: Special printout secured by agreement between Indochinese Refugee Assistance Program, HEW, and the Internal Revenue Service, July 13, 1979

APPENDIX 1

Belmont Seminar on Innovations in Refugee Resettlement

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APPENDIX 2

The Geographical Distribution of Indochinese Refugees in the United States

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January, 1979

Most flows of international migrants to the United States have been gradual ones, evolving over decades and in some cases, centuries. Where the migrants settle relates to economic and cultural factors present in the host society; they tend to go where jobs or other economic opportunities are available, and where they think they will feel welcome. One of the most significant variables is where earlier groups of migrants have settled, and many migrants gravitate to those places where there are friends, relatives and supportive communities of other people of the same language and background. Thus most migrants tend to cluster.

But what happens when the flow of migrants is not a gradual one, and where there are, for practical purposes, no established ethnic communities to welcome the newcomers? What governs the clustering or dispersal pattern of such migrants -- such as the Indochinese refugees admitted following the fall of Saigon? In this case some 130,000 refugees were admitted in a matter of months, by a nation which then had approximately fifteen thousand Indochinese residents, mostly students.

At the time the Government, for a variety of reasons, decided to encourage the distribution of refugees around the nation, bringing them from Asia into four military installations: Fort Indiantown Gap (PA), Fort Chaffee (AR), Eglin Air Force Base (FL), and Camp Pendleton (CA). Then the voluntary agencies sponsoring the refugees found homes for them in all fifty states. One reason for the dispersion was the far-flung distribution of organizations and individuals who offered sponsorship to the refugees and helped them adjust to U.S. life; there also was a desire to defuse political opposition which might have accompanied heavy concentrations of any new set of arrivals (such as that which occurred with the influx of Cuban refugees into the Miami area during the early 1960s).

The Indochinese individuals and families, once admitted to the U.S., were free to move about and (like other Americans) settle where they chose. We now have data on both the initial distribution of the Indochinese and preliminary data on their subsequent movements from state to state between December 1975 and January 1978, and from zip code area to zip code area between January 1977 and January 1978.*

Table 1 indicates that the Indochinese have a strong and growing preference for the states of California, Texas, Louisiana and Virginia; in fact, by January, 1978, more than 45% of the Indochinese (who arrived after the fall of Saigon) were living in these four states. Table 1 also indicates some fairly drastic shifts in population (in a two year period) away from some areas, such as the Dakotas, Maine and particularly from Washington, D.C. (where the percentage dropped by three quarters) and, interestingly, away from Hawaii and from Guam, and in a minor way, towards Alaska. The proportion living in three of the four states where the resettlement camps were located (Pennsylvania, Arkansas and Florida) also dropped noticeably in this period.

In comparison with the total populations of even those states which were most attractive to the Indochinese, their numbers remain quite small, however. In Hawaii, the state drew the largest number of refugees in proportion to the resident population (as it regularly attracts the largest proportion of other immigrants) there were only 2.4 Indochinese for every 1,000 residents; the second most popular state, on this basis, was California with 1.82 Indochinese per 1,000 residents, followed by Louisiana (1.65), Washington (1.41), and Oregon (1.40).

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* State distribution of refugees for 1975 from Interagency Task Force on Indochina Refugees, *Report to the Congress* (Washington, D.C., December 15, 1975), page 15; data for 1978 from HEW Indochina Refugee Program, *Report to the Congress* (Washington, D.C., December 1978), forthcoming, Table 2.

Zip code distribution 1977 and 1978 from INS computer printouts located in the office of the HEW Indochina Refugee Program.

TABLE I

Distribution of Indochinese Refugees in the United States, December 1975 and January 1978, by State

(ranked by 1978 distribution)

	1975 DISTRIBUTION		1978 DISTRIBUTION		
State	No. of Persons	Percent of Total	No. of Persons	Percent of Total	Number of Refugees per 1,000 Population (1975)
CA	27,199	22.37	38,613	27.85	1.82
TX	9,130	7.51	12,758	9.20	1.06
LA	3,602	2.96	6,263	4.52	1.65
PA	7,159	5.89	6,260	4.51	.53
VA	3,733	3.07	5,951	4.29	1.19
WA	4,182	3.44	5,030	3.63	1.41
FL	5,322	4.38	4,536	3.27	.55
IL	3,696	3.03	3,944	2.84	.35
NY	3,806	3.13	3,617	2.61	.20
MN	3,802	3.13	3,224	2.33	.82
OR	2,063	1.70	3,189	2.30	1.40
OK	3,689	3.03	2,937	2.12	1.08
CO	1,790	1.47	2,654	1.91	1.04
MO	2,669	2.19	2,524	1.82	.53
MD	2,319	1.91	2,492	1.80	.60
OH	2,924	2.40	2,483	1.79	.23
IA	2,593	2.13	2,468	1.78	.86
MI	2,200	1.81	2,384	1.72	.26
WI	1,821	1.50	2,110	1.52	.46
HI	2,039	1.68	2,093	1.51	2.41
KS	1,897	1.56	1,782	1.29	.78
NJ	1,515	1.25	1,682	1.21	.02
IN	1,785	1.47	1,573	1.13	.30
AR	2,042	1.68	1,412	1.02	.67
GA	1,331	1.09	1,277	.92	.26
MA	1,169	.96	1,265	.91	.22
CT	1,175	.97	1,243	.90	.40
NB	1,211	1.00	1,149	.83	.74
NC	1,261	1.04	1,074	.77	.20
AZ	1,059	.87	1,001	.72	.45
AL	1,262	1.04	1,000	.72	.28
UT	559	.46	930	.67	.77
TN	922	.76	902	.65	.21
KY	967	.80	816	.59	.24
SC	759	.62	781	.56	.28
MS	488	.40	647	.47	.28
NV	338	.28	596	.43	1.01
NM	1,040	.86	528	.38	.46
RI	223	.18	483	.35	.52
DC	1,254	1.03	357	.26	.50

TABLE I -- CONTINUED

	1975 DISTRIBUTION		1978 DISTRIBUTION		
State	No. of Persons	Percent of Total	No. of Persons	Percent of Total	Number of Refugees Per 1,000 Population (1975)
SD	545	.45	356	.26	.52
ID	412	.34	349	.25	.43
GU	778	.64	331	.24	n/a
MT	198	.16	305	.22	.41
ME	375	.31	245	.18	.23
ND	448	.37	221	.16	.35
AK	81	.07	208	.15	.57
DE	155	.13	164	.12	.28
NH	161	.13	135	.10	.17
WV	195	.16	133	.10	.07
WY	11.	.09	87	.06	.23
VT	150	.12	47	.03	.10
PR	1	*	33	.02	n/a
VI	n/a	-	16	.01	n/a
AS	1	*	n/a	-	-
TOTAL	121,610	100.02	138,658	100.00	.65
State Unknown	6,500	-	464	-	-
Deaths	76	-	n/a	-	-
GRAND TOTAL	128,186	-	139,122	-	-

n/a = not available
*less than 0.01%

Sources: Data for 1975 from Interagency Task Force on Indochina Refugees, Report to the Congress, (Washington, D.C., December 15, 1975), page 15 (data reflect the Task Force's records on refugees resettled by state). Data for 1978 from HEW Refugee Program, Report to the Congress (Washington, D.C., December 1978, forthcoming), Table 2 (data are for Indochinese who filed alien address reports in January 1978).

Dividing the nation into East and West (using the Mississippi River as the dividing line, and allocating Louisiana to the East and Minnesota to the West) and regarding Alaska, Hawaii, Guam, Puerto Rico and the Virgin Islands as off-shore, we find a noticeable percentage of the Indochinese following Horace Greeley's advice, "Go West, Young Man!"

Region	1975 distribution	1978 distribution
West	55.09	59.23
East	42.54	38.84
Off-Shore	2.39	1.93

For a North-South comparison (after extracting the off-shore areas) we divided the nation into a southern segment (the Old Confederacy plus Oklahoma, New Mexico, Arizona and California) and a northern one (the balance of the states and the District of Columbia). The results were:

Region	1975 distribution	1978 distribution
South	51.68	57.46
North	45.95	40.61
Off-Shore	2.39	1.93

The Indochinese -- less tied to their places of residence than longer-established Americans -- are simply doing what their native born and immigrant neighbors have been doing for many years, and doing it more quickly; they are moving South and West.

Before describing the clustering patterns which are reflected in the zip code data, a few comments on the data source may be helpful: Every January aliens are required by law* to file alien address reports (complete with zip codes) with the Immigration and Naturalization Service (INS). INS regularly publishes data on the distribution of aliens, state-by-state, and in 1977 and 1978, at the request of (and at the expense of) the Department of Health, Education and Welfare, INS printed out the distribution of the Indochinese who had been admitted in the first wave of refugees (and who were assigned a block of INS numbers) in each of the nation's zip code areas. We decided, since we were doing the work manually, to extract data on all zip code areas which had 100 or more Indochinese registering in either 1977 or 1978. Since the total varied only slightly (140,774 in 1977 and 139,127 in 1978) we chose to use raw numbers, in our analysis.

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* It is generally supposed, however, that an unknown portion of aliens do not file such reports.

Zip code areas with 100 or more in either year are here termed clusters; those with 250 or more in 1978 are termed large clusters; and zip code areas which experienced an absolute increase between 1977 and 1978 are called growth areas. (It should be borne in mind, that there are about 37,000 zip codes in the nation, some unknown number of which serve specific government agencies or mail order houses and not neighborhoods; that works out to be about 6,000 persons per zip code. Zip code areas have widely varying populations, as they reflect postal service areas, and not groups of people, with many of the rural ones covering many square miles, but few people. In the cities, however, the reverse is true; Chicago zip code areas have roughly 60,000 residents each, and those in Philadelphia, Washington, D.C., and Milwaukee have roughly 36,000, 30,000 and 24,000 residents, respectively, in each. And since most of the Indochinese live in or near cities a cluster of 100 or 250 of them per zip code area may be worth recording in a paper such as this, but it does not suggest massive concentrations of people.

The 1978 data indicated that in only 11 zip code areas were there more than 500 Indochinese registered. These eleven concentrations, in order of descending size, are shown below:

Rank	Location	Indochinese Registrants	Zip code
1	New Orleans, LA	1,542	70129
2	Orange Co., CA	1,064	92704
3	Los Angeles, CA	912	90612
4	Houston, TX	887	70094
5	Orange Co., CA	748	92683
6	San Diego, CA	704	92111
7	Denver, CO	563	80204
8	New Orleans, LA	537	70094
9	Orange Co., CA	509	92707
10	Los Angeles, CA	507	90026
11	Long Beach, CA	502	90813

Thus seven of these 500-or-more groupings are in Southern California, two are in New Orleans, and one each in Houston and Denver.

We analyzed the movements of Indochinese by using three measures, and in each case they indicated a substantial amount of net movement (we had no way of measuring gross movement), in the twelve months, into areas where other Indochinese lived.

The first measure was the percentage of the total population (of some 140,000) living in clusters (i.e., those with 100 or more registrants in either year.

The population in the more than 200 such clusters increased from 40,950 (29.1% of the total) in 1977 to 48,997 (35.2%) in 1978. Those living in large clusters (250 plus zip code areas) increased from 18,160 (or 12.9% of the total) in 1977 to 21,982 (or 15.8%) in 1978. The number of these large clusters increased from 38 to 48. Looking at previously defined growth areas, we found a similar increase, from 26,241 in 1977 to 34,989 in 1978.

All of this indicates that despite the effects of an earlier dispersion, Indochinese immigrants, like previous generations of immigrants, are clustering, generally in the nation's large cities (an old tradition) but also in the older suburbs of Los Angeles (a new wrinkle). But secondary migration is not only a phenomenon to be expected, generally it is to be welcomed; usually it is a hopeful sign, an indication that the migrant has secured enough confidence in himself, as well as sufficient resources, to change his residence.

Policy makers in the future may find that a further analysis of these trends in secondary migration may be useful, in the sense that such data may help in program planning and resource allocation decisions. Further, it is good to know that data on nationality and zip code location can be secured fairly easily from INS computers; thus, given a surge of refugees from Iran, for example, we could find out quickly the geographical distribution of Iranian aliens in the United States, and therefore could determine which areas in the US might be best able to provide the newcomers with community support.

APPENDIX 3

SUGGESTED PRINCIPLES FOR COORDINATING LARGE REFUGEE RECEPTION AND RESETTLEMENT PROGRAMS

[Note: The following observations are based on discussions held in January, 1976 among top civilian and military officials who were responsible for managing the initial reception and resettlement of Indochinese refugees. The paper was prepared by Mrs. Julia Vadala Taft, Director, Interagency Task Force for Indochinese Refugees (IATF). A large refugee movement is defined, for the purpose of this document, as one which involves the direct reception of more than 50,000 refugees. This paper is included in this study as a resource document for Federal planners, should a similar effort need to be mobilized in the future.]

A. Organization:

(1) A Presidential Task Force should be established, directed by a high level Government official. The Director should be appointed by and report to the President. Agency representatives to the Task Force should be senior officials who will be responsible for coordinating their respective agency's participation. Suggested member agencies should include at a minimum the following:

Department of State
US Agency for International Development (USAID)
United States Information Agency (USIA)
Department of Defense (DOD)/Joint Chiefs of Staff (JCS)
Department of Health, Education, and Welfare (HEW)
Department of Justice (DOJ)
Immigration and Naturalization Service (INS)
Office of Management and Budget (OMB)
Department of Labor (DOL)
Department of Housing and Urban Development (HUD)
National Security Council (NSC)
Intelligence Community

(2) A mission order (Executive Order) should be issued immediately citing respective roles and memoranda of agreement should be promulgated immediately to flesh out the mission order.

(3) Task Forces should be temporary in nature, not long term operations. The Task Force duration should extend as long as interagency resources are required, i.e., for duration of

of centers.

(4) One agency (State) should be designated as the Executive Agent to provide management support.

(5) Task Force Director must have control over all staffing in support of the operations at Headquarters and centers. This can be done either through outside hire, retired annuitants, or reimbursable details. Personnel should be selected and assigned for the duration of the effort, and once assigned, should be released only with the approval of the Task Force Director. A statement regarding staff resources should be included in the Executive Order to ensure top priority.

(6) Senior White House contacts are required for the NSC and domestic side.

(7) Broad policy decisions relating to the refugee program must be coordinated through the Task Force Director.

B. Legislative Authorization:

(1) Broad legislation should be promulgated to give the Executive Branch permanent authority to implement a refugee program. The Department of State and INS should propose such legislation now. Should a large scale refugee program subsequently need to be implemented, only appropriations legislation would be required.

(2) Funds should be appropriated to President to provide operational flexibility.

(3) Have early briefings with Congress and have a Congressional liaison office be an immediate component of the Task Force staff.

(4) Encourage regular reporting to and oversight by Congress.

(5) Senior center civilian should report to Task Force routinely on Congressional contacts.

C. International Aspects:

(1) People from the Department of State assigned to the Task Force should go out to key Embassies (in countries in which refugees are stranded) to brief mission personnel on the program and their responsibilities.

(2) Establish early focal point for discussions with other countries. Appoint a "prestige person" to stimulate foreign government

interest in aiding refugees.

(3) A Presidential or Secretarial directive should be issued to Chiefs of Mission citing guidelines for refugee disposition and directing them to encourage host governments to accept refugees.

(4) To the extent they are willing (which was not the case with Indochinese refugees) deal with international VOLAGs in Geneva if we want to internationalize refugee movements.

(5) Explore with ICEM and UNHCR mechanisms whereby international skill banks can be established and used for matching refugees with potential countries of refuge which have skill shortages. ORM/State should initiate discussions now.

(6) Use ICEM for international movements of refugees unless crisis evacuation situation exists; then use DOD.

(7) Work through UNHCR on the issue of repatriation. This problem will be less difficult if staging areas or reception centers are not on US territory.

(8) Expose future foreign service officers to refugee matters through FSI training and management experience.

D. Media and Public Awareness:

(1) The Federal Government should not solicit sponsors through its own resources i.e., toll free line, FRCs, as it is not possible for VOLAGs to verify such offers quickly. The Federal Government should not sponsor or resettle refugees without VOLAGs.

(2) While a national media campaign to solicit sponsors is inadvisable, there must be sufficient information flow to the public regarding who the refugees are and how citizens can help. All offers of sponsorship should be referred to VOLAGs. A toll free line for information purposes is recommended as well as information packets to be mailed to each interested caller.

(3) A national advisory committee to provide advice to the President and/or Task Force is not recommended, as the time frame is too short and the pace too quick. A national committee of eminent citizens, however, can reinforce the "national" effort aspects of the program and result in better acceptance. The function, however, should be to serve as an information link to national organizations and interest groups and to serve as a catalyst with those groups to provide services to the refugees. Members should be key representatives from labor, the

professions (legal, health, education, etc.), civil rights, industry, who will generate interest and assistance from those sectors. The committee, if established, should report to the Task Force.

(4) Receptivity on the part of State and local officials is essential. Early information from HEW regarding Federal funding of refugee support systems should be implemented. Governors should be encouraged to establish a State focal point for information and assistance; however, States should not be encouraged to assume direct sponsorship responsibilities if, by doing so, they detract from sponsor-generating efforts of VOLAGs. (In this matter, HEW non-concurs. With adequate technical assistance HEW believes State and local governments not only can mobilize supportive resources, but also can provide a challenge to the traditional VOLAGs. Consideration should be given to modest State grants for governments who wish to establish a coordinating body.)

(5) Federal Regional Councils (FRCs) can provide an excellent vehicle for briefing State and local government officials. FRCs should not be asked to generate sponsorships. They should not provide technical assistance unless personnel are assigned full time to the effort and report frequently to the Task Force.

To ensure post-center resettlement coordination, FRCs should assign one person from each key agency to work at the HEW regional office to plan and implement coordinated support systems.

(6) Media and publications services for the centers and Task Force should be contracted from outside Government. The essential factor is speedy information dissemination for which GPO has a less than perfect record. Newspapers and refugee orientation materials should cover at a minimum:

-- News items about the country from which refugees escaped
-- The sponsorship program and VOLAGs
-- Center rules and procedures
-- Cross-cultural awareness
-- Domestic benefits program
-- Orientation to society, i.e., taxes, business practices, schools, job procurement, driving, housing, recreation, health hygiene, and geography

E. Resettlement Agencies:

(1) If possible, to keep refugee program internationalized, work

with international resettlement agencies.

(2) Make VOLAGs part of the team immediately. This could be done through regular meetings, a representative on the Task Force and/or on the staff, or a combination of both.

(3) The Task Force should provide administrative and executive officers to each VOLAG at each center for data and file management.

(4) If there is special VOLAG funding ensure VOLAGs not duplicate existing support systems. Special aides needed in medical care, job training and placement, E.S.L.

(5) VOLAGs should be assigned quotas based on capability. Criteria minimal for sponsorship (and verification) should be spelled out in contract with minimum specified duration of sponsorship responsibility.

(6) If Federal funds are given to VOLAGs to be passed on directly to refugees, a standard level of cash per refugee should be adopted and so stipulated in the contracts and in Congressional budget justifications.

(7) Call VOLAGs "resettlement agencies."

(8) VOLAG contracts should stipulate resettlement of people from centers; if there are "pick-ups" they should be covered by separate contract with the agencies. Also, the policy and procedures covering "pick-ups" should be developed and promulgated to give the widest publicity possible.

(9) Be selective (if possible) on which resettlement agencies should participate.

(10) Centers should monitor and control registration process from central distribution point.

Center Operations.

Each reception center completed after action reports outlining procedures and problems associated with center management. These are on file with ORM/Department of State, National Archives, HEW, and the former Director, IATF.

Some key points include --

(1) Use the military for logistical support if rapid mobilization is essential. If overseas long-term staging centers are used and a processing center (not hastily developed) is envisioned

for stateside logistical support can be contracted out.

(2) A table of organization is essential.

(3) There must be a clear delineation of roles between civilians and military at the centers. The Director, IATF Headquarters, must be the final decision authority, should a conflict of roles arise.

(4) Specific guidance should be issued to civilians and military on key areas such as:

-- Physical layout of center
-- Public affairs
-- Repatriation
-- Comptroller functions
-- Intelligence
-- Unaccompanied children
-- Abortions
-- Movement to third countries
-- VOLAG management
-- Personnel hiring
-- Use of refugees as volunteers
-- Admission to center of volunteers, researchers, etc.
-- Law enforcement
-- Consular services
-- Computer operations

(5) Center management structures will depend on the type of military reservation used. Therefore, there should be definitive guidelines spelling out civilian/military responsibilities in each of the above areas.

(6) Counseling services are essential at the centers. An effective technique is to use refugees themselves who have a professional talent for evaluation, social work and/or counseling -- perhaps former US Government local national employees. Counseling should be provided for sponsorship assistance, family problems, orientation to new culture, explaining the resettlement process, etc.

(7) Qualfied management and controller type civilian personnel should be assigned to each center, and the center coordinators should be given full responsibility for the financial management of their operations. This should be done by giving each coordinator operating allowances or other financial guidelines as well as accountability for inventories, operational records, etc. These personnel should remain with the Task Force or the

residual headquarters activity until all claims, disposition of resources, and other management aspects of the program are finalized.

(8) Complete records of refugees in centers should be kept. No refugees should be released from the centers until they have been assigned Social Security Account Numbers, Alien Registration numbers, and I-94 forms. (Note: This would relieve us of the problem we now have of trying to clear up the status of the several thousand refugees who reportedly left centers without proper identification.)

(9) Short term but intensive "survival English" should be required for all adults if the expected center stay will exceed 30 days. It is not advised that vocational training be offered; however, job counseling is important and each sponsor should consider employment for the refugee as the critical feature of resettlement.

G. Budget Preparations:

In building a total budget, the following factors should be taken into account --

(1) The principle that the refugee influx should have no cost impact on the States. HEW should budget for 100% reimbursement for welfare, social services, and incremental educational costs. Separate medical coverage is advisable. The use of Medicaid poses problems because of varying State standards. Also, once refugees get Medicaid they are thrust into the midst of the welfare programs which encourage dependency.

(2) Estimated stay in centers should realistically reflect the capacity of the Federal and Voluntary Agencies to gear up. (IATF experience showed an average center stay of 100 days.)

(3) Multiple centers are preferable to one large center although cost factors do rise with multiple sites.

(4) Military airlifts are more expensive than ICEM charters.

(5) All senior members of the Task Force should be involved in the development of budget estimates with assistance from OMB. Reimbursement guidelines should be developed in writing as soon as possible with fund citations for each appropriate agency.

(6) Stringent post-center reporting requirements should be made a part of each resettlement contract.

A special effort should be made to include in the appropriation authorization to hire refugees to assist in the various areas of the program, especially those who are former employees of the US Government overseas. (IATF experience showed former Vietnamese employees to be valuable assets to the program and they were victimized to the extent that they were hired on contract or other "pick-up" types of appointment and did not receive any retirement credit for this service.)

FEDERAL AGENCY ROLES

(1) Department of State:

-- To serve as the "institutional memory" and to develop standard operating procedures and contingency plans.

Get standby authority for greater fiscal flexibility, Executive Agent support - i.e., space, communications. linguists, personnel and contracting system, filing, and contracted data processing.

(2) US Agency for International Development:

-- Assist in preparation of initial budget, provide language and area specialists.

(3) United States Information Agency:

-- Staff public information offices, provide linguists and personnel who are specialists in cross-cultural communication.

(4) Department of Defense:

-- The only Federal agency capable of mass refugee movement and maintenance quickly. Should be tasked to perform evacuation mobilization. Center maintenance and setting up of logistical support should be done by DOD if time is critical.

(5) Department of Health, Education, and Welfare:

-- Public Health Service. Provide immunizations and disease surveillance at centers and with VOLAGS in order to make sponsors aware of Class I and II diseases. Be sure each refugee has a personal copy of health records upon release.

-- Social and Rehabilitative Services. Handle problems of destitute repatriated Americans. Assist center and VOLAGs on special placement problems, i.e., unaccompanied children, physically or mentally handicapped.

-- Social Security Administration. Issue Social Security cards using block numbers.

-- Headquarters, Department of Health, Education, and Welfare. Have constant role in post-resettlement conceptualization, orientation and VOLAG contract negotiation and liaison. Develop SRS guidelines. Budget development.

(6) Department of Justice:

-- Provide legal counsel at headquarters and centers. Seek parole authority if it is beyond current statutory authority. Provide US Marshals for law enforcement beyond what DOD would provide. Establish protocol between DOD and Justice regarding law enforcement jurisdiction at centers. Delineate respective responsibilities for each center. Provide legal advice to refugees re: legal issues impeding their ability to leave centers but not general legal advice.

(7) Immigration and Naturalization Service:

-- Coordinate the nine agency computerized security clearances (DEA, FBI, CIA, DOD, State, INS, etc.).
-- Determine admissibility to the US.
-- Issue "A" numbers to all refugees; fingerprint and photograph.
-- Authorize employment.
-- Get affidavits (re: "never persecuting others") and the assets and liabilities certificates.
-- Issue refugee travel documents.
-- Adjust status.

(Great concern has been expressed about the term "parolee" and its negative connotations. INS should consider revising the terminology to describe the refugee status.)

(8) Office of Management and Budget:

-- Secure formal detailees from Federal agencies to work on Task Force. Assist in budget and legislative preparations. Serve as White House "domestic affairs" point of contact.

-- Key link to get Federal Regional Councils involved as information conduits with State and local governments.

(9) Department of Labor:

-- Provide job coding for each refugee. Analyze labor, market needs and assist VOLAGs at centers. Ensure participation in budget preparation for refugee skill training and employment during post center resettlement.

(10) Department of Housing and Urban Development:

-- Handle problems related to housing shortages and provide advice to VOLAGs on available housing programs for refugees.

(11) National Security Council:

-- To be used as a lever to assign DOD specific logistical support tasks. Each assignment should be in writing.

-- Serve as White House "foreign affairs" point of contact.

(12) Intelligence Community:

-- To assist in security clearance processes. Provide information prior to and during evacuation if there is a US evacuation.

(13) Department of Transportation:

-- To assist in coordinating air transit services from center to final destinations.

(14) Department of Interior:

-- If staging areas are in Pacific territories, Interior can provide on-site support and coordination. Otherwise, minimal involvement.

(15) Department of Treasury:

-- Handle issues such as foreign currency exchange; IRS responsibilities and benefits to refugees and sponsors; foreign assets controls.

APPENDIX 4

REFUGEES: A SELECTED BIBLIOGRAPHY

This bibliography is a byproduct of TransCentury's review of U.S. refugee resettlement policies and practices over the last twenty-five years. It lists selected resource and reference materials on refugees and refugee-related issues from a variety of sources, including books, journal articles, government documents and relevant Congressional hearings, as well as published and unpublished manuscripts. Since this bibliography is relatively short, no effort has been made to separate entries that directly concern our specific focus from entries that deal with it in a more peripheral way or from a more general point of view.

The bibliography is organized into six main subject headings:

1) Refugees General
2) Hungarian Refugees
3) Cuban Refugees
4) Indochinese Refugees
5) Soviet and Chilean Refugees
6) International Refugee Issues

In undertaking this research effort, TransCentury reviewed the extensive collection at the Library of Congress and the smaller one at the HEW Library. A National Technical Information Service Search (NTISearch) was initiated, which yielded a small number of useful references. Also included in the search was a review of the *Readers' Guide to Periodical Literature* and the *Public Affairs Information Service (PAIS)* catalogues. In addition, a number of scholars in the field were contacted, as were Federal, State and local program officials and national and local resettlement agencies. These contacts produced a variety of published and unpublished entries.

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APPENDIX 5

Refugee Social Service and Cash Assistance Expenditures, 1978, by State*

Social service and special project expenditures in the IRAP program vary widely from state to state, as the left side of Table I indicates. There appears to be little relationship between the per capita level of the former expenditures and the cash assistance caseload ratios, except that a number of States in the South (Texas, Virginia, Florida, and Oklahoma on the first page of the table) appear to score relatively low on both variables.

The data in the table combines social services expenditures (levels set largely by the States themselves, though the money is all Federal) and expenditures on IRAP's special projects (in which the decisions were made by HEW). Using the same methodology and the same data sources (see footnote at the bottom of the table) one can calculate the per capita social service expenditures state-by-state. These are, for the four States with the largest number of Indochinese refugees:

California	$90
Texas	80
Louisiana	230
Pennsylvania	574
National Average	$157

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*The table reproduced herein was prepared for the New TransCentury Foundation's Seminar on Innovations in Refugee Resettlement, Belmont, Md., May 1979.

TABLE I

REFUGEE SOCIAL SERVICE AND CASH ASSISTANCE EXPENDITURES, 1978, BY STATE

State	Social Service Expenditures ($ per capita)				Cash Assistance Caseload (variations from norm: Norm = 1.00)			
	High	High Medium	Low Medium	Low	High	High Medium	Low Medium	Low
California			$178		1.85			
Texas				$114				.37
Pennsylvania	$661						.62	
Lousiana		$239						.38
Virginia				$28			.85	
Washington	$546				1.50			
Florida				$83			.72	
Illinois	$536						.65	
New York	$368							.44
Minnesota		$276					.88	
Oregon	$602				1.58			
Oklahoma				$56				.23
Colorado	$417					1.05		
Iowa			$172				.89	
Missouri				$64	*	*	*	*

*No program.

TABLE I (continued)

State	Social Service Expenditures ($ per capita)				Cash Assistance Caseload (variations from norm: norm = 1.00			
	High	High Medium	Low Medium	Low	High	High Medium	Low Medium	Low
Ohio			$138				.67	
Michigan	$454						.71	
Maryland				$104				.48
Hawaii		$317			1.88			
Wisconsin	$358						.73	
Kansas				$ 31			.77	
Indiana			$127					.28
New Jersey	$452						.63	
Arkansas		$301					.50	
Connecticut			$150				.50	
Georgia				$ 73				.22
Massachusetts			$138		1.67			

TABLE I (continued)

State	Social Service Expenditures ($ per capita)				Cash Assistance Caseload (variations from norm: Norm = 1.00)			
	High	High Medium	Low Medium	Low	High	High Medium	Low Medium	Low
Nebraska				$ 83			.64	
Tennessee			$145				.50	
North Carolina				$111				.43
Utah				$48			.57	
Arizona			$166					.14
Alabama	*	*	*	*			.14	
Kentucky			$221				.67	
South Carolina			$119					.20
Nevada				$43				.40
Mississippi	*	*	* *	*			.60	
Rhode Island		$258				1.25		

*No program.

TABLE I (continued)

State	Social Service Expenditures ($ per capita)				Cash Assistance Caseload (variations from norm: Norm = 1.00)			
	High	High Medium	Low Medium	Low	High	High Medium	Low Medium	Low
New Mexico	$471						.50	
District of Columbia	$385					1.00		
South Dakota				$39				.33
Montana			$138				.67	
Idaho				$110				.15
Guam				$76	2.50			
Maine				$53			.50	
North Dakota	*	*	*	*			.50	
Alaska	*	*	*	*	*	*	*	*
Delaware	*	*	*	*		1.00		
New Hampshire	*	*	*	*		1.00		
West Virginia	*	*	*	*				.20

*No programs.

TABLE I (continued)

State	Social Service Expenditures ($ per capita)				Cash Assistance Caseload (variations from norm: Norm = 1.00)			
	High	High Medium	Low Medium	Low	High	High Medium	Low Medium	Low
Wyoming	*	*	*	*				.10
Vermont	*	*	*	*				.33
Puerto Rico	*	*	*	*	*	*	*	*
Virgin Islands	*	*	*	*	*	*	*	*
States Unknown	*	*	*	*	*	*	*	*

* No programs.

Note: Social service expenditure data is drawn from pages 82-130 of the Report to the Congress, Indochinese Refugee Assistance Program, December 31, 1978, and covers special project expenditures as well as purchase of service agreements for social services. We divided the total costs of these programs, $31,815,756, by the total refugee population from column one, Table 2 of that report (139,122). The mean per capita expenditure for social services for FY 1978, so defined, was $229. The following categories were devised from the latter figure: Low - below $114; medium low - $115-228; medium high - $229-343; high - $344 and above.

Cash assistance data are for the number of cases per state on August 1, 1978 and is drawn from Table 4 of the report. The percentage of the total nation caseload for each state was calcualted from this table, and compared to the percentage distribution of the total refugee population from Table 2. A ratio between the two populations was then calculated, with a 1.00 ratio indicating that the state had exactly its share of cash assistance cases; if the ratio is above unity, the state has a disproportionately high number of cases (to population) and if less than unity, a disproportionately low caseload. The ranges were selected as they were for the per capita social service expenditures, i.e., low - less than 0.49; low medium - 0.50 to 0.99; high medium - 1.00 to 1.49; and high - 1.50 and above.